

## Theft in Nineteenth Century Malta

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### Abstract

*Malta's crime history has been rather limited focusing mainly on sensational crimes and the prison. This article studies the different aspects of theft in 19<sup>th</sup> century Malta including motivations for theft and the disposal of the stolen items. Thieves and their victims exposed their social and economic problems when they appeared at the Criminal Court in Valletta. The statistics gleaned from the Criminal Court records from 1838-1888 reveal links between the occurrence of theft and the general economic situation on the Island.*

### Introduction

In the nineteenth century “what men understood by crime was essentially theft and to a lesser extent, assault.”<sup>1</sup> Most western countries generally viewed theft as a ‘traditional’ crime,<sup>2</sup> and actually registered an increase in this type of felony during the first half of the nineteenth century.

Robert Montgomery Martin observed in his 1837 travel book that ‘stealing and pilfering’ was a ‘common offence’<sup>3</sup> on the Island. By the 1840’s, the local papers were commenting that ‘thieving’ was ‘progressing’<sup>4</sup> mirroring the concern shown in European countries about the general surge in crimes against property especially in the first half of the nineteenth century.

The data retrieved from the *Denunzie* and the *Atti d’Istruzioni* at the Legal Documentation Centre of the National Archives for the period 1838-1888 supports the perception that theft was a high volume crime in the Maltese community. 42.38% of the total cases heard by the Criminal Court during that period (1142 out of a total of 2652) were crimes against property. During the first three decades under review, 1838-1868, theft of clothes, agricultural goods and farm animals featured prominently in the Criminal Court. The period between 1859 and 1888, saw a higher amount of thefts of cash, silverware and jewellery than the first two decades. The highest number of burglaries and thefts occurred during the third decade (1859-1869).<sup>5</sup>

The Maltese Criminal Court determined the seriousness of a theft offence mainly according to the value of the stolen goods and not the method.<sup>6</sup> Maltese society regarded theft as a serious crime, a view reflected in the 1854 Criminal Code. Crimes against property carried the heaviest imprisonment sentences in this new code although these were more lenient than those under the previous *Dritto Municipale*.<sup>7</sup> A first time offence of ‘simple theft’ was punishable with hard labour for one to six months.<sup>8</sup> The obvious aim of the law was that of deterrence.<sup>9</sup> This perspective is also clear in other contemporary criminal codes and procedures found in other countries.<sup>10</sup>

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<sup>1</sup> Clive Emsley, ‘Detection and prevention: the old English Police and the New 1750-1900’, *Historical Social Research / Historische Sozialforschung*, 37, (January 1986), 69-88.

<sup>2</sup> Markus Dirk Dubber, ‘The Historical Analysis of Criminal Codes’, *Law and History Review*, xviii, 2, (2000), 433-440.

<sup>3</sup> R. Montgomery Martin, *History of the British Possessions in the Mediterranean*, (London, 1837), 274.

<sup>4</sup> *Malta Times*, 23 March 1847.

<sup>5</sup> See Table 1.

<sup>6</sup> The same evaluation was found in Britain: Drew D. Gray, *Crime, Policing and Punishment in England, 1660-1914* (Great Britain, Bloomsbury, 2016), 111.

<sup>7</sup> The *Dritto Municipale*, the law code drawn up by Grand Master De Rohan in 1783 was in use till a new Criminal Code was introduced in 1854.

<sup>8</sup> NML, *Proclamation No. 1 of the 10<sup>th</sup> March 1854, promulgating Her Majesty's Order in Council for the Island of Malta and its Dependencies*, 68.

<sup>9</sup> Lotta Vikström shows that this was also true of the Swedish system in the 1860s, whilst also emphasizing the ‘stigmatization’ of thieves in Swedish society. See Lotta Vikström, ‘Before and after Crime: Life-course

In Malta, it was mostly men and not women who were accused of stealing in the Criminal Court cases reviewed. The women were mainly involved in domestic thefts especially when they worked as maids with well-to-do families. However, only 132 women were accused of theft in the court records reviewed compared to the 1396 men accused of the same crime<sup>11</sup> during the 51-year time frame under study - a contrasting scenario to that in Britain, where women were found to be ‘over-represented’ in crimes against property.<sup>12</sup>

Stolen Objects	1838		1839 - 48		1849 - 58		1859 - 68		1869 - 78		1879 - 88		1839 - 88		1838 - 88
	Amount	Amount	%	Amount											
Thefts	Silverware/Jewellery	11	60	24.8	48	25.3	102	31.4	54	32.7	47	32	311	29.1	322
	Cash	7	28	11.6	31	16.3	109	33.5	61	37	48	32.7	277	25.9	284
	Weaponry	5	1	0.4	1	0.5	7	2.2	0	0	2	1.4	11	1	16
	Clothes	7	50	20.7	30	15.8	28	8.6	11	6.7	8	5.4	127	11.9	134
	Agricultural goods	13	39	16.1	13	6.8	25	7.7	8	4.8	5	3.4	90	8.4	103
	Farm Animals	7	18	7.4	13	6.8	10	3.1	5	3	8	5.4	54	5.1	61
	Others	2	19	7.9	36	18.9	24	7.4	19	11.5	20	13.6	118	11	120
	Marine objects	1	0	0	0	0	1	0.3	2	1.2	3	2	6	0.6	7
	Boats	0	0	0	0	0	2	0.6	0	0	0	0	2	0.2	2
	Subtotal	53	215	88.8	172	90.5	308	94.8	160	97	141	95.9	996	93.2	1049
Other Thefts	Selling or using stolen objects	0	4	1.7	3	1.6	3	0.9	0	0	0	0	10	0.9	10
	In possession of stolen goods	0	14	5.8	2	1.1	2	0.6	1	0.6	1	0.7	20	1.9	20
	Illegal occupation of a house	0	1	0.4	0	0	0	0	0	0	0	0	1	0.1	1
	Complicity in theft	0	1	0.4	0	0	0	0	0	0	2	1.4	3	0.3	3
	Subtotal	0	20	8.3	5	2.6	5	1.5	1	0.6	3	2	34	3.2	34
Attempted Thefts	Silverware/Jewellery	0	1	0.4	0	0	4	1.2	1	0.6	0	0	6	0.6	6
	Cash	1	0	0	4	2.1	1	0.3	2	1.2	2	1.4	9	0.8	10
	Weaponry	0	1	0.4	0	0	0	0	0	0	0	0	1	0.1	1
	Clothes	1	0	0	1	0.5	2	0.6	0	0	0	0	3	0.3	4
	Agricultural goods	0	4	1.7	1	0.5	3	0.9	0	0	0	0	8	0.7	8
	Farm Animals	0	0	0	1	0.5	1	0.3	0	0	0	0	2	0.2	2
	Others	0	1	0.4	6	3.2	1	0.3	1	0.6	1	0.7	10	0.9	10
	Subtotal	2	7	2.9	13	6.8	12	3.7	4	2.4	3	2	39	3.6	41

**Table 1: Thefts per 10 years for the 1838 - 1888 period**

analyses of young offenders arrested in nineteenth-century Northern Sweden’, *Journal of Social History*, xliv, 3, (2011), 861-888.

<sup>10</sup> Lotta Vikström, ‘Societal change and individual past in connection with crime: demographic perspectives on young people arrested in northern Sweden in the nineteenth century’, *Continuity and Change* xxiii, 2, (2008), 331-361.

<sup>11</sup> Report generated through MySQL query. [Statistical analysis on the data was done by means of Structured Query Language (SQL) queries that were run on a normalised MySQL database. The database was structured around the raw data gleaned from the Criminal Court records.]

<sup>12</sup> Malcolm M. Feeley and Deborah L. Little, ‘The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912’, *Law & Society Review*, xxv, 4, (1991), 719-758.

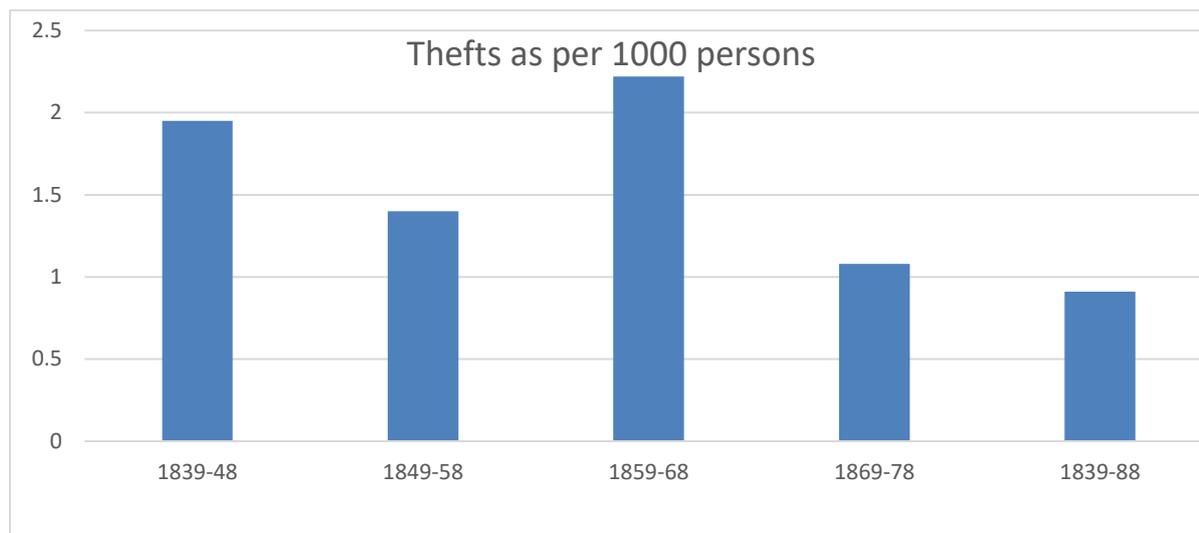


Figure 1: Thefts per 1000 persons

### Motives for Theft

Scholars of nineteenth-century crime in Europe have identified several motivations for theft that contributed to the increase of the crime in the first half of the century. These include the creation of more needed consumables as standards of living rose especially during the second half of the century and hunger and impoverishment resulting from economic recessions. Contemporaries also blamed the idleness and vagrancy that the ‘undeserving poor’ preferred to a commitment to proper employment resulting in self-induced poverty. Others claimed that some thieves were also motivated by anger, protest, and revenge against specific individuals in order to be able to redress what they viewed as unfair situations.

The dual paradoxical causes of 19<sup>th</sup> century theft – poverty on the one hand, and prosperity on the other – are both accepted by different scholars. Both aspects emerge when assessing crime against property in the Maltese Islands. The locations where theft was committed can be divided into two categories: the urban and the rural sites, a classification that echoes the split of *la Citta`* (the city) and *la Campagna* (the countryside) adopted by the French at the end of the eighteenth century for administrative purposes. Different economic conditions, life styles, population figures and presence of strangers in these two regions seem to have had an impact on the motivations for theft, the type of thefts committed and hence on the way the colonial administration responded to these crimes.

#### 1. Poverty

Ironically, in nineteenth-century Europe, increase in property crime was linked to higher standards of living ushered in by the Industrial Revolution because, the creation of the new, much coveted, daily ‘necessities’ instigated a surge in thefts. According to Lombroso:

‘The progress of civilization, by endlessly multiplying needs and desires, and by encouraging sensuality through the accumulation of wealth, brings a flood of alcoholics and general paralytics into the insane asylums, and crowds the prisons with offenders against property and against decency’.<sup>13</sup>

The new affluence made the poor in society appear poorer by comparison to those groups who had accrued direct financial benefits from industrialization. It was believed that the compulsion to steal arose ‘from a desire to obtain possession of an object by which some passion may be gratified’.<sup>14</sup>

<sup>13</sup>Marvin E. Wolfgang, ‘Pioneers in Criminology: Cesare Lombroso (1835-1909)’, *The Journal of Criminal Law, Criminology, and Police Science*, lii, 4, (1961), 361-391 quoting Lombroso.

<sup>14</sup> W. Rawson Rawson, ‘An Inquiry into the Statistics of Crime in England and Wales’, *Journal of the Statistical Society of London*, ii, 5, (1839), 316-344.

A professional thief explained to Edwin Sutherland that robbers relished ‘the welfare of the public’ as this meant that their endeavours could result in higher profits.<sup>15</sup>

Studies, such as that of Frederick Engels, confirmed the contemporary observations linking poverty to theft. Engels studied criminality over a period of thirty-seven years concluding that ‘The criminal tables ... prove directly that nearly all the crime arises within the proletariat ...’<sup>16</sup> Most of these crimes were those termed ‘against property’ or as described by Georges Rude ‘acquisitive crime’ underlining the ‘gratifying’ motives of ownership.<sup>17</sup> For Engels, however, it was more a question of need rather than accumulation of property, as he contended that ‘... what a man has, he does not steal.’<sup>18</sup> This reasoning leads to theft being viewed as an avenue for self-help<sup>19</sup> rather than a crime; a notion that instils doubt about condemning felonies of a petty nature which cannot be classified as unethical. Jerome Hall logically asks ‘what of Jean Valjean and of cases of theft of necessaries to provide for others?’<sup>20</sup> When fifteen-year-old maid Giuseppa Schiavone was warned by the Valletta Criminal Court that she should not touch the possessions of her employers she asked, ‘But what if I am suffering hunger?’<sup>21</sup>

In Malta, throughout the fifty-one years under review, acquisitive theft seems to have been more a feature of the urban areas, whereas theft for survival needs occurred mostly in the rural villages. This does not mean that the town robbers were rich. The nineteenth-century Maltese scenario presents a consistently poor economic environment for both the towns and the countryside. The relationship between rising poverty and crimes against property in general and the stealing of agricultural produce in particular, can be easily surmised from the Criminal Court records. There is a common consensus by historians about the precarious economic trends of the Island in the first half of the nineteenth century following the outbreak of the plague epidemic of 1813 and the end of the Napoleonic Wars.<sup>22</sup> During the 1820s civil servants could not afford to pay house rent or to retire even after some sixty years of service.<sup>23</sup> Theft of agricultural goods was high in the first decade (1839-1848) of the period under review (39 cases) which continued to decrease till 1888. This is also true for the theft of clothes which reached a peak (50 cases) during the same decade of 1839-1848.<sup>24</sup>

However, residents in the harbour region could be as poor or even more so, than their counterparts in the ‘countryside’. Their thefts were meant to improve their condition and therefore, they fall under the acquisitive crime category. Begging in the harbour towns was a visible display of privation which according to *The Malta Times* constituted quite a nuisance. In 1868, official records show that there were 883 beggars.<sup>25</sup> In 1893, travel writer Maturin Murray Ballou described how ‘an army of mendicants’ on the *Nix Mangiare* (nothing to eat) steps at Valletta greeted and pestered visitors who had just disembarked at the Grand Harbour.<sup>26</sup> Accounts of destitution with people tapping their pockets, in which they only had their rosary beads, while stating they had nothing to eat, are found in the *Atti*.<sup>27</sup> It is true that a *Malta Times* editorial in December 1872, in what appears to be a bid to support the local colonial government, declared that ‘Mendicancy is no test of poverty’,<sup>28</sup> a statement which implied the existence of ‘undeserving poor’. The same editorial, however, also reported a decrease in trade during that period. As revealed by the court documents, some had no

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<sup>15</sup> Edwin H. Sutherland, *The Professional Thief by a Professional Thief*, (Chicago & London, University of Chicago P., 1972), 172.

<sup>16</sup> Friedrich Engels, *The Condition of the Working Class in England in 1844* (New York, Cosimo Inc. 2008), 130.

<sup>17</sup> George Rude, *Criminal and Victim – Crime and society in early Nineteenth-Century England*, (Oxford, Clarendon Press, 1986), 78.

<sup>18</sup> *Ibid.*, 118.

<sup>19</sup> Donald Black, ‘Crime as Social Control’, *American Sociological Review*, xlviii, 1, (1983), 34-45.

<sup>20</sup> Jerome Hall, ‘Prolegomena to a Science of Criminal Law’, *University of Pennsylvania Law Review and American Law Register*, lxxxix, 5, (1941), 549-580.

<sup>21</sup> NAM, BG, CCR, *Atti*... 1865 V3, 15/12/1865.

<sup>22</sup> Artur G. Clare, ‘Features of an Island Economy’ in *The British Colonial Experience 1800-1964: the Impact on Maltese Society* Victor Mallia Milanese (ed) Mireva, Msida 1988, 133-134.

<sup>23</sup> Godfrey Pirota, *The Maltese Public Service 1800-1964: The Administrative Politics of a Microstate*, (Malta, Mireva Publications, 1996), 122-123.

<sup>24</sup> See Table 1.

<sup>25</sup> *Malta Times*, 23 February 1847, 3; 5 November 1868.

<sup>26</sup> Maturin Murray Ballou, *The Story of Malta*, (Cambridge, USA 1893), 77.

<sup>27</sup> NAM, BG, CCR, *Atti*... 1877 V2, 24/2/1877.

<sup>28</sup> *Malta Times*, 28 Dec 1872.

fixed abode sleeping in the open air in the capital, like Salvatore Farrugia who was sleeping under the arches of Treasury Street when he was robbed in 1866.<sup>29</sup> In 1888, the poverty issue was highlighted by Dr Fortunato Mizzi in the Council of Government, attesting that the lower classes openly committed misdeeds, including petty thefts, so as to be detained in prison where they were assured of free meals and lodging.<sup>30</sup>

Poverty might have been perceived as a reasonable motivation for stealing but it was not considered a redeeming excuse in the Maltese Criminal Court. In 1867, Isidoro Mifsud, a manservant had stolen cash and two gold rings from his employers, the Grech family of Vittoriosa, because he wanted to help his brother who was destitute and hungry (*piangeva di fame*).<sup>31</sup> When the criminal justice system punished thieves, however, it created further destitute situations that might have led to further law-breaking. Teresa Aquilina testified in court that she used to complain about her hunger when visiting her son who was serving a four-year sentence at Corradino Prison. Her son twice supplied her with bread which he acquired from the prison storekeeper who, in 1884, was accused of selling the public goods he was in charge of.<sup>32</sup>

During the fifty-one years reviewed 225 British soldiers and 133 sailors were accused of theft in the local Criminal Court.<sup>33</sup> These thefts were not prompted by destitution as was the case for many of the local population accused of this crime.

## 2. Urbanization and Improved Standards of Living

The economic situation on the Island gradually improved especially in the 1870s and the 1880s as the Grand Harbour was transformed into a useful British Mediterranean naval hub with the Naval Dockyard and especially after the opening of the Suez Canal in 1869.

The population of the Northern Harbour area (Qormi, Birkirkara, Gzira, Hamrun, Msida, Pembroke, Pieta', San Giljan, Santa Vennera, Sliema) more than doubled during the 40 years after 1844 (Table 2) and the number of crimes rose accordingly. The Southern Harbour District which included Valletta and Cottonera experienced the highest number of crimes during the third decade under review and then diminished in later years in parallel with the decreasing population.<sup>34</sup> Malta's rising population figures (over 156,000 in 1881 as compared with over 121,000 for 1838)<sup>35</sup> are an indication of a more stable national economy.

The development of Sliema in the Northern Harbour District in the 1860s epitomizes the general new affluence experienced on the Island during the last two decades under review in this study. The town's development created a harbour suburb where 'an Anglicised style and subculture'<sup>36</sup> started to flourish. With its population rising from 324 in 1861 to 1,600 ten years later and to 6,376 in 1891, Sliema started to get essential services (a police station, a resident medical officer, schools, Parish Churches).<sup>37</sup> Well-known personalities, like the Chief Secretary to Government, Sir Victor Houlton, took up residence there.<sup>38</sup> The Sliema area burglaries increased as the town grew,<sup>39</sup> reaching a peak in the decade 1859-1868 with 9 cases (out of a total of 19),<sup>40</sup> when the population soared in a short time. This seems to fit the concept that newly improved economic situations trigger a surge in crime against property as was experienced in the second half of the century both in Britain and on the

<sup>29</sup> NAM, BG, CCR, *Atti...* 1866 V1, 13/2/1866; *Sentenze 1866*, 103.

<sup>30</sup> NAM, SS, *Debates* V10, 448.

<sup>31</sup> NAM, BG, CCR, *Atti...* 1867 V4, 17/12/1867.

<sup>32</sup> NAM, BG, CCR, *Atti...* 1885, V1, 11/11/1884.

<sup>33</sup> Report generated through MySQL query.

<sup>34</sup> See Table 2 below.

<sup>35</sup> The population figures are based mainly on the information found in the *Malta Blue Books*.

<sup>36</sup> Carmel Cassar, 'Everyday life in Malta' in *The British Colonial Experience 1800-1964: the impact on Maltese Society*, V. Mallia Milanes (ed.), Mireva, Msida 1988, 91-126.

<sup>37</sup> Winston L. Zammit, *Tas-Sliema fis-Seklu XIX*, (Valletta, Klabb Kotba Maltin, 2000), viii-ix.

<sup>38</sup> *Ibid.*, 181.

<sup>39</sup> *Malta Times*, 25 February 1869.

<sup>40</sup> Report generated through MySQL query.

continent.<sup>41</sup> The total number of crimes in Sliema continued to rise throughout the period studied contributing to a substantial increase in criminality in the North Harbour area especially during the last decade. There

		1844	1854	1864	1874	1885	Total 5 years
Southern Harbour District (1)Valletta District	Total population	21933	25521	25964	25200	24655	123273
	% of the Maltese population	<b>18.7</b>	<b>19.7</b>	<b>18.7</b>	<b>17.3</b>	<b>16.5</b>	
Southern Harbour District (2)Cottonera District	Total population	21826	23713	25617	25074	24702	120932
	% of the Maltese population	<b>18.7</b>	<b>18.3</b>	<b>18.4</b>	<b>17.2</b>	<b>16.6</b>	
Southern Harbour District (3)The Other Towns	Total population	11101	14190	16006	17539	15887	74723
	% of the Maltese population	<b>9.5</b>	<b>11.0</b>	<b>11.5</b>	<b>12.0</b>	<b>10.7</b>	
Southern Harbour District	Total population	54860	63424	67587	67813	65244	318928
	% of the Maltese population	<b>46.9</b>	<b>49.0</b>	<b>48.6</b>	<b>46.6</b>	<b>43.8</b>	
Northern Harbour District	Total population	10944	12574	15254	17298	23751	79821
	% of the Maltese population	<b>9.4</b>	<b>9.7</b>	<b>11.0</b>	<b>11.9</b>	<b>15.9</b>	
South Eastern District	Total population	11773	12843	13385	13953	14282	66236
	% of the Maltese population	<b>10.1</b>	<b>9.9</b>	<b>9.6</b>	<b>9.6</b>	<b>9.6</b>	
Western District	Total population	15929	16732	17801	18435	18010	86907
	% of the Maltese population	<b>13.6</b>	<b>12.9</b>	<b>12.8</b>	<b>12.7</b>	<b>12.1</b>	
Northern District	Total population	8680	8391	9086	9943	10232	46332
	% of the Maltese population	<b>7.4</b>	<b>6.5</b>	<b>6.5</b>	<b>6.8</b>	<b>6.9</b>	
Gozo and Comino	Total population	14824	15474	16038	18157	17594	82087
	% of the Maltese population	<b>12.7</b>	<b>12.0</b>	<b>11.5</b>	<b>12.5</b>	<b>11.8</b>	
<b>Total</b>	Total population	117010	129438	139151	145599	149113	680311
	% of the Maltese population	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	

**Table 2: Total population per district of the 5 Median Years as recorded in the *Malta Blue Books***

<sup>41</sup> V.A.C. Gatrell, 'The Decline of Theft and Violence in Victorian and Edwardian England' in *Crime and the Law – the social History of Crime in western Europe since 1500*, V.A.C. Gatrell, Bruce Lenman and Geoffrey Parker (eds.) Europa, London, 1980, 238-338.

is, however, no indication of the emergence of a 'criminal class' earning a 'living by crime' as, for example, identified in the urbanization process in Britain.<sup>42</sup>

### 3. *Protest and Revenge*

Another interesting motivation for crime against property identified by Donald Black was that of creating 'social control' through the removal of possessions, for 'moralistic' reasons.<sup>43</sup> These crimes '... not infrequently express a grievance the burglar has against his victim'.<sup>44</sup> Examples of crimes in this category from the Maltese court records are not so numerous. Usually these involved youngsters who stole cash from their own relatives to achieve some kind of financial independence with the aim of squandering the money on entertainment. The eighteen-year old student, Emmanuele Sciberras, in 1880 robbed £42 from his family's business, 'Giuseppe Sciberras and Sons', by stealing the key to the money-chest from underneath his grandfather's pillow. The accused claimed to be in a desperate state as his uncles were not giving him the funds he needed. He had stolen the money so that he could move to Algeria. However, he was found by the police in a drunken state after he had already obtained a passport.<sup>45</sup> It is relevant to note that although his grandfather was ready to pardon the young man, the court condemned the lad to hard labour for one year.<sup>46</sup>

### 4. *Unguarded Valuables*

Whatever the motivation of local individual thieves to steal, whether arising out of need, laziness, or the yearning for other people's property, it was a fact that their criminal deeds were rather simplified by easy accessibility. It was customary even for the wealthy to keep their cash and jewellery in their own homes. In his 1826 report, Judge Richardson had pointed out that the introduction of local banks based on the English Savings Banks model would attract the Maltese to abandon their custom of 'acquiring the dangerous reputation of having in their houses, or about their persons a hoard of gold and silver'.<sup>47</sup> About forty years later, William Bullock Webster found that the Maltese still held on to 'the obsolete custom of keeping large sums of money idle for no other reason than sheer distrust'.<sup>48</sup> Although there were two banks in Valletta and a few were using their services,<sup>49</sup> many still buried their cash in the ground just as the Arabs reportedly did with theirs.<sup>50</sup> Indeed, the locals found strange places where to conceal their money. In 1882, Francesco Sciberras had hidden cash in large bales of cotton only to discover that his seventeen-year-old nephew, who used to work for him, had stolen 260 *scudi* from the amount.<sup>51</sup>

Jewellery and silverware were much sought after by thieves as these fetched a good amount of money when pawned or sold. These precious objects were stolen in 29.1% of the burglary and theft cases during this period.<sup>52</sup> The theft of such items was facilitated by easy availability. Answering a petition by Sliema residents who were worried about the lack of security in their locality, the Chief Secretary to Government, Sir Victor Houlton, remarked about the lack of attention to house security by owners especially when silver ware was left in full view.<sup>53</sup> Ladies kept their jewellery in chests of drawers which they often kept unlocked. When there was no sign of a forced entry at their residence,

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<sup>42</sup> Helen Johnston, *Crime in England 1815-1880: Experiencing the Criminal Justice System* (London and New York, Routledge, 2015), 26.

<sup>43</sup> Black, 35, 37.

<sup>44</sup> *Ibid.*, 37.

<sup>45</sup> NAM, BG, CCR *Atti...* 1880 V2 11/05/1880.

<sup>46</sup> NAM, BG, CCR *Sentenze* 1880, 237.

<sup>47</sup> NAM, GMR 4, *Report respecting the Courts and the Administration of the Law at Malta made by Sir John Richardson Knight His Majesty's Commissioner*.

<sup>48</sup> William Bullock Webster, *English Governors and Foreign Grumblers or Malta in 1864*, (Malta 1864), 34.

<sup>49</sup> Clare, 132.

<sup>50</sup> Webster, 34.

<sup>51</sup> NAM, BG, CCR *Atti...* 1882 V3, 14/7/1882.

<sup>52</sup> See Table 1.

<sup>53</sup> Zammit, 92-93.

persons frequenting their houses (servants, acquaintances, trusted friends or neighbours, even relatives and *fiancés*), were often those accused of stealing their jewels.

### 5. *Pathological Behaviour*

It proves rather difficult to establish the criminal responsibility of individuals who steal as a result of a disorderly mental state.<sup>54</sup> In the late nineteenth century, pathological motivations for theft confirmed Lombroso's theories about the link between the physical condition of a person and his criminal actions.

One theft case that created quite a sensation on the island was that of 1862, when it was discovered that several objects at the *Union Club* in Valletta had gone missing. The list comprised both articles in use at the Club itself and even some belonging to members. It was not the value of the items in question that created the furore but the social position of the culprit. The Police Adjutant, Giacomo Psaila, decided to settle the matter when *The Malta Observer* published an inventory list of all the missing items. Every evening, he stationed police constables in hiding inside the *Union Club* itself. When Sergeant Salvatore Calleja was keeping watch from the ceiling above the reading room, he noticed the forty-three year old Marquis Gustavo Barbaro di San Giorgio hiding one of the soda water tumblers behind the curtain it was decided to search his Floriana residence.<sup>55</sup> Many of the reported missing objects were found at his house. The Marquis was condemned to five years' hard labour.<sup>56</sup> The case is the only one from those reviewed, in which kleptomania is mentioned as a possible explanation for the man's petty thefts although the accused himself later decided not to take this line of defence in his trial. The fact that, for example, six opera binoculars, besides other objects, were found at his residence points to this pathological condition.

The court entrusted accused persons suffering from mental disorders, which included senility, to asylums run by the Charitable Institutions Committee whenever doctors reported such conditions. In 1859, twenty-four year old John Murphy, an Irish soldier, for example, was found to be mentally unstable after he had stolen fourteen shillings four pence from John McNeill.<sup>57</sup>

## **Perpetrators and Victims**

### 1. *The Poor*

When underlining poverty as one of the major motives for theft in the nineteenth century we are prompted to conclude that the poor stole from the rich. In many cases, however, the documents reveal that Maltese thieves were stealing from poor people like themselves. This corresponds with studies that show that even in Britain thieves stole the belongings of poor working class people.<sup>58</sup>

Destitution led people to steal even from poor persons like themselves. When Francesco Seichel, a beggar from Żejtun (who surprisingly knew how to write his own name) stole several items (a white blanket, a woman's black dress, four white muslin handkerchiefs, a woman's dress with a white collar, a piece of cloth for a mattress lining, an apron and a pair of scissors) in 1862 from Gaetana Monreal's one room residence at Paola, the court discovered that these were all the belongings the woman possessed. Seichel was sentenced to hard labour for eighteen months. On the day he had committed the crime he had complained to his victim that it was so cold that, had he had a shilling, he would not have gone out to beg.<sup>59</sup> The sixty-three year old beggar Giuseppe Caruana was also robbed in 1866. His case indicates that the public in general and not only the wealthy and the professionals, were aware of the legal structures available for redress and were ever ready to use them. When the two repentant eighteen-year-olds, Antonio Azzopardi and Luca Refalo returned the

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<sup>54</sup> Even in the US thefts were connected to physical conditions especially in females with problematic menstruation. Brendan D. Kelly, 'Criminal insanity in 19th-century Ireland, Europe and the United States: Cases, contexts and controversies', *International Journal of Law and Psychiatry*, xxxii, 6, (2009), 362-368.

<sup>55</sup> NAM, BG, CCR, *Atti...* 1862 V1, 23/1/1862.

<sup>56</sup> NAM, BG, CCR, *Sentenze* 1862, 293.

<sup>57</sup> NAM, BG, CCR, *Atti...* 1859, V3, 7/9/1859.

<sup>58</sup> Clive Emsley (1986), 85.

<sup>59</sup> NAM, BG, CCR, *Atti...* 1862 V2, 26/2/1862.

nine pennies they had stolen from him at knife point through Alberto Bignone, the latter informed the Syndic about the matter.<sup>60</sup> The two youngsters were sentenced to three years' hard labour.<sup>61</sup>

Therefore, the conclusion that 'the robbery of the poor'<sup>62</sup> was reported less than the stealing from the rich does not seem to apply to the local scenario. When victims of theft had few possessions they felt they had everything to gain by reporting the thefts they suffered. As the nineteen-year old driver, Carmelo Cutajar, explained when he was robbed of his cash, he had no option but to seek the help of the police to recover his money as otherwise he was going to suffer hunger.<sup>63</sup> Fear of physical retaliation from the poor victims instilled the idea in Britain that, 'When you steal from the poor, you gamble with your life.'<sup>64</sup> In Malta, the court records do not reveal this reaction. The presence of the deprived in society on the prosecutor's side at the Criminal Court indicates the existing sense of trust in the judicial system. 'Self-help' was sought by the underprivileged on the Island through the law itself.<sup>65</sup> Since the local economy was weak those who were well-off were comparatively few. The *Atti* reveal numerous examples of very poor people who reported theft of clothing and other belongings of no real significant monetary value<sup>66</sup> indicating that though illiterate they knew how to seek legal redress.

## 2. Juvenile Offenders

Heather Shore describes nineteenth-century British anxiety about juvenile lawbreakers attesting that 'One of the great fears for contemporaries was that the juveniles of the present would become the burglars of tomorrow, maturing into professional criminals.'<sup>67</sup>

Maltese youngsters were not as predominantly involved in theft as in England. There, the significant reduction in theft in the second half of the nineteenth century was viewed as the successful result of attempts to reform juvenile offenders<sup>68</sup> as 'delinquency in boys was associated with ... thieving.'<sup>69</sup> Studies in other countries show that the number of juvenile offenders seems to have increased after the Napoleonic Wars.<sup>70</sup>

In Malta, the 1838-1888 local court records reveal that only 117 teenagers and 24 minors were accused of theft. Most thefts were committed by adults, individuals between 18 and 60 years of age (998). Another 16 were senior citizens (over 60 years of age).<sup>71</sup> The Collector of Customs did not believe that juvenile offenders constituted an alarming problem on the island when he compared the local situation to that of New York where he said that 'a legion of boys' daily committed 'every sort of petty theft.'<sup>72</sup> Young boys were made to work but at times they were suffering hunger too. The twelve-year-old stable boy Francesco Mercieca sentenced to a nine month imprisonment said that he had been hungry when he robbed £4 from a residence at *Piazza Regina*.<sup>73</sup>

Pickpocketing, which seems to have been a regular crime creating a youth 'subculture' in industrial towns on the continent and elsewhere,<sup>74</sup> does not seem to have been a common offence committed by Maltese youngsters. Groups of boys used to gather in Valletta at times proving to be nuisances mostly to each other. In the Council of Government in 1877, Sigismondo Savona

<sup>60</sup> NAM, BG, CCR, *Atti...* 1866, V3, 29/9/1866.

<sup>61</sup> NAM, BG, CCR, *Sentenze* 1866, 482.

<sup>62</sup> Gatrell, (1980), 238-338.

<sup>63</sup> NAM, BG, CCR, *Atti...* 1866, V2, 17/4/1866.

<sup>64</sup> Black, 40.

<sup>65</sup> This notion is marginally explored by Donald Black, 41-42.

<sup>66</sup> See Roger Lane, 'Urban Police and Crime in Nineteenth-Century America', *Crime and Justice*, xv, Modern Policing (1992), 1-50 for similar cases in 19<sup>th</sup> century US.

<sup>67</sup> Heather Shore, *Artful Dodgers: Youth and Crime in Early Nineteenth-century London*, (Woodbridge, The Royal Historical Society/The Boydell Press, 1999), 61.

<sup>68</sup> Gatrell, 305-310.

<sup>69</sup> Louise A. Jackson, *Child Sexual Abuse in Victorian England*, (London and New York, Routledge, 2000), 96.

<sup>70</sup> Heather Shore, 'Home, play and street life: causes of, and explanations for juvenile crime in the early nineteenth century' in *Childhood in question*, Anthony Fletcher and Stephen Hussey (eds.) Manchester, Manchester University Press, 1999), 96.

<sup>71</sup> Report generated through MySQL query.

<sup>72</sup> NAM, SS, *Debates* V5, 783.

<sup>73</sup> NAM, BG, CCR, *Atti...* 1877 V4, 22/9/1877; *Sentenze* 1877, 42.

<sup>74</sup> Timothy J. Gilfoyle, 'Street-rats and Gutter-snipes: Child Pickpockets and Street Culture in New York City, 1850-1900', *Journal of Social History*, xxxvii, 4,(2004), 853-882.

mentioned the 'shoe-black brigade' in Valletta that was 'formed of the worst sort of boys in the whole island'.<sup>75</sup> The young offenders usually either acted on their own, or in twos, but rarely in gangs to commit their misdemeanours. They managed to get into trouble as they roamed the streets of Valletta, but pickpocketing cases at the Criminal Court in Valletta are surprisingly few. The seventeen-year-old shoe-polisher (*lustrascarpe*), Francesco Scerri, who had already been in prison seven times in the previous two years,<sup>76</sup> was condemned to four years' hard labour in 1878<sup>77</sup> for stealing four shillings two pence from the pockets of Tommaso Galea.<sup>78</sup>

The local groups of boys were mostly mischievous but can hardly be described as savage or nomadic. They sought each other for companionship rather than for support in criminal activities as remarked by Tobias when describing 'entry into the criminal class.'<sup>79</sup> Although these groups of boys committing illegal behaviour seem to have enjoyed an outdoor life, at the end of the day, they had families to return to in the limited territory of the capital city. Community and family bonds in Maltese society thus ensured a sense of belonging which might have been lacking in places where 'street kids' led a nomadic existence that facilitated their falling into a life of crime.<sup>80</sup> Great concern, for example, was shown in 1876 when an eight-year-old boy whose father had been imprisoned for ten years and whose mother was a prostitute was noticed to be in the company of a 'shoe black brigade' in Valletta. A petition signed by eight-two fathers about the need to cater for the child was presented by Sigismondo Savona at the Council of Government.<sup>81</sup> This outcry about one boy would signify that the 'improper conduct of parents', identified as one of the causes of Britain's juvenile crime in 1815,<sup>82</sup> was not viewed as the most important trigger of local juvenile law-breaking. Evidently, not all Maltese parents were commendable but parents who wanted to push their offspring to thieving are absent in the *Atti* documents in contrast with what was occurring in London in the early part of the century.<sup>83</sup> There is also no evidence that local teenage thieves were trained by older relatives or professional adult offenders of the Fagin type.

When these youngsters were condemned to a prison sentence, however, they were placed alongside hardened offenders. It was believed that they could be negatively affected by this proximity. This fear of corruption which could lead first-time young offenders to a life of crime was not limited to Malta. The debates that were stimulated by this concern for juvenile offenders in Britain, for example, led to the establishment of a prison for juvenile offenders in 1838 (Parkhurst on the Isle of Wight), and ultimately to a new criminal justice system catering for these youngsters being set up in the early twentieth century.<sup>84</sup> Reformatory and industrial schools in Britain in the late nineteenth century helped diminish the number of these boy convicts in prison.<sup>85</sup> Although in Malta, members of the Council of Government at times vented their worries about the risks for juvenile offenders at Corradino Prison, not much was done to create separate prison establishments for these youngsters. It was the 1880 report of the Royal Commissioner Sir Penrose Julyan that first mentioned the need of a reformatory for juvenile delinquents.<sup>86</sup>

In prison, habitual adult offenders would certainly try to influence these young boys since criminals perceive innocent-looking boys to be at an advantage as they are less likely to attract suspicion.<sup>87</sup> Moreover, their small agile frames could prove useful in burglaries. Fourteen-year-old Thomas Fitzpatrick was described by his friends as having climbed the window of a shop in Strait Street, Valletta in 1859, to steal a pound sterling and a pair of golden earrings with great ease.

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<sup>75</sup> NAM, SS, *Debates* V1, 189.

<sup>76</sup> NAM, BG, CCR, *Atti* ...1878 V4, 7/11/1878.

<sup>77</sup> NAM, BG, CCR, *Sentenze* 1878, 510.

<sup>78</sup> NAM, BG, CCR, *Atti* ...1878 V4, 7/11/1878.

<sup>79</sup> J. J. Tobias, *Crime and Industrial Society in the Nineteenth Century* (London, Schocken Books, 1967), 108.

<sup>80</sup> Gilfoyle, 853.

<sup>81</sup> *Debates* Vol. V, 189; NAM, BG, CCR, *Atti* ... 1876, V3, 10/10/1876; *Sentenze* 1876, 358.

<sup>82</sup> Gray, 185.

<sup>83</sup> Shore (1999), 97.

<sup>84</sup> Gray, 187; Johnston, 140.

<sup>85</sup> Johnston, 150.

<sup>86</sup> Henry Frendo, *Party Politics in a Fortress Colony: The Maltese Experience*, (Malta, Midsea, 1991), 9.

<sup>87</sup> Gilfoyle, 855.

Although this lad had already been imprisoned for one month, two years before, a priest testifying in court described him as a fool (*imbecille*) who did not perform his religious duties.<sup>88</sup>

Girls do not feature in these Valletta outdoor groups. Although very young girls were allowed to play in the streets especially in the villages, they were usually kept indoors to help in domestic chores,<sup>89</sup> as was the custom even in Britain.<sup>90</sup> Teenage girls were mainly accused of theft when they worked as maids. The documents indicate that they started out as domestic servants at a rather young age. Some of those arraigned in court for theft from their employers were less than eighteen years of age. In 1878, Marietta Mallia was only sixteen when she was condemned to one year hard labour for stealing £7 in gold coins from the unlocked drawer at the Valletta house of her employers, Domenic and Rosolea Mercieca.<sup>91</sup>

### 3. Servants and Employees

Many of the women accused of theft in Malta were mainly servants. In 1843, Baron Sciberras Trigona's Sicilian maid, Tommasa Salvaggio, was accused of having stolen over a thousand *scudi* from her master.<sup>92</sup> The trusted resident maid of Gregorio and Marianna Demajo, Annetta Paleologo, stole their family jewels and silverware when she needed to rent a small house. She immediately fell under suspicion as she had absented herself for a few days. Even in this case, the lady of the house had left her jewels in an unlocked drawer discovering the theft through sheer coincidence.<sup>93</sup> Although the Demajos did not want her to be punished, the girl was condemned to hard labour for three years.<sup>94</sup> None of these female thieves, encountered in the court documents, appear to have turned into hardened repeat offenders as reported in Britain in the latter part of the nineteenth century.<sup>95</sup>

These cases reveal not only blurred definitions of ownership prompting conflicts in master-servant relations but also that theft could be regarded by servants as a way of settling the debts of their employers. Usually, servants and maids lived at their employers' residence. This had its advantages: problems of transport were reduced for these employees who were ensured of free meals and could live in better comfort than they could afford at their own usually rather small and crowded lodgings. However, this also meant that maids and men-servants had to be trusted individuals as they were held responsible for all household items even precious silverware. They, therefore, became part of the household with their employers exercising a kind of ownership attitude in their regard.<sup>96</sup> This created rather confusing situations in relation to possessions as it became unclear what belonged to whom, with maids and servants even paying for shopping out of their own savings. Canon Professor Giuseppe Mestiti residing in Valletta told the court in 1871, how after employing the fifty-year old tailor, Rosario Bonnici, as his servant for a few weeks he started missing some of his belongings (socks, towels and a silver tobacco-holder). Bonnici insisted in court that Mestiti had not paid him the expenses he had incurred making it necessary to pawn these objects.<sup>97</sup> This proved a lame excuse as he was sentenced to twenty months' hard labour.<sup>98</sup> When, in 1883, the poor servant, Paola Inguanez, was accused of having stolen cash from the Mattei household where she worked, Major General Antonio Mattei admitted that Paola had not received her salary for two months. The maid had even paid eight shillings to the shoe-mender and three shillings to another servant out of her own money.<sup>99</sup>

At times other employees besides servants abused their position of trust by stealing from their employers. Workers in hotels or inns stole the belongings of clients or those of their own employers.

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<sup>88</sup> NAM, BG, CCR, *Atti...* 1859 V1, 30/3/1859: Eleven-year-old Marianna Muscat testified that she used to play with other girls in the street at Tarxien.

<sup>89</sup> NAM, BG, CCR, *Atti...* 1885 V1, 7/10/1884.

<sup>90</sup> Lionel Rose, *The Erosion of Childhood, Child oppression in Britain, 1860-1918*, (Routledge, 1991), 219.

<sup>91</sup> NAM, BG, CCR, *Atti...* 1878 V4, 6/8/1878.

<sup>92</sup> NAM, BG, CCR, *Denunzie* 1843, 31/8/1843.

<sup>93</sup> NAM, BG, CCR, *Atti...* 1858, 30/9/1858.

<sup>94</sup> NAM, BG, CCR, *Sentenze* 1858, 364.

<sup>95</sup> Johnston, 122.

<sup>96</sup> Refer to Raffaella Sarti, 'The true servant: Self-definition of male domestics in an Italian city (Bologna, 17th–19th centuries)', *The History of the Family*, x, 4, (2005), 414 about slavery (hence ownership) inferences of the word 'servant'.

<sup>97</sup> NAM, BG, CCR, *Atti...* 1871 V1, 6/12/1870.

<sup>98</sup> NAM, BG, CCR, *Sentenze* 1871, 52.

<sup>99</sup> NAM, BG, CCR, *Atti...* 1883 V2, 2/2/1883.

Edward James Foster, running a hotel at Vittoriosa, requested police intervention in 1861 when he realized that Michele Mizzi, his waiter/handyman, was hiding wine and sweets to take away from the hotel premises. The twenty-one-year-old was caught red-handed by the policemen who were waiting for him as he was leaving with the stolen goods.<sup>100</sup> Unfortunately, even employees in the public sector ended up charged with theft from their place of work. A unique kind of theft was that of about 25 tons of paper from the Archives of the Civil Court - a serious crime not only because the thieves were the two clerks, Vincenzo Camilleri and Giovanni Fenech, in charge of the Archive but also because the papers were original transcripts of trials. They had sold this 'paper' for fifteen *scudi* a ton between July 1841 and May 1842.<sup>101</sup>

#### 4. Prostitutes and Theft

In the nineteenth century, the English authors, Mayhew and Binney ventured the assumption that female criminality especially that connected with 'petty theft from the person or burglary of their homes .... or the fencing of articles stolen',<sup>102</sup> in any country could be assessed by the number of prostitutes present there. In the Maltese Criminal Court prostitutes appeared both as criminals and victims of several crimes including theft. In Malta, six prostitutes were accused of theft during the period under review, a figure which certainly does not constitute a thermometer to assess the level of theft on the Island, offering a contrasting picture to Mayhew's description of London prostitutes.<sup>103</sup> They usually stole the cash of their clients.<sup>104</sup> It also transpires that on a few occasions the prostitutes' rooms became stores for stolen goods such as the coveted black silk handkerchiefs that British Navy sailors used to wear.<sup>105</sup> In October 1876, for example, Caterina Borg, a licensed prostitute, was accused of robbing her customer, the sailor Thomas Kenelly. In order to attest to her innocence, her friend and colleague, Carmela Agius, testified in the Criminal Court that Caterina had accompanied her to mass at 4 am, leaving the sleeping sailor in the room.<sup>106</sup>

While different clients visited the rooms of the local prostitutes mainly in the Valletta *Manderaggio* area, their household helpers (usually older women who had retired from the trade) kept an eye on their belongings. Policemen seem to have offered prostitutes the same protection as that shown to other citizens even accompanying them around Valletta to try to discover those who had robbed them. At times, certain foreign clients, mostly British sailors and soldiers, sought their services simply to have the opportunity to steal their possessions especially the jewellery they wore for adornment. These women were robbed and assaulted as they tried to save their belongings. In 1861, Giuseppa Grech, a widow from Senglea was beaten by the sailor James Wilson who took two golden necklaces (valued at £16 9s 10d) when she moved to another room. Hearing the unusual noise, neighbours rushed to help and the police constables arrested Wilson on the spot after finding the necklaces in his pocket.<sup>107</sup> The sailor was condemned to five years' hard labour indicating that the prostitute's version of the facts had been upheld by the jury and the court.<sup>108</sup> In 1863, even John Murphy of the Rifle brigade was condemned to hard labour for two years<sup>109</sup> when he grabbed Maria Cutajar's necklace from around her neck. This prostitute showed quick thinking and dexterity as she managed to lock her door during this assault and called for her servant who lived next door. She explained that her anger obliterated any fear she should have felt in confronting a soldier carrying his bayonet.<sup>110</sup>

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<sup>100</sup> NAM, BG, CCR *Atti* 1861 V1, 17/1/1861.

<sup>101</sup> NAM, BG, CCR, *Denunzie* 1842, 25/6/1842.

<sup>102</sup> Zedner, Lucia, 'Women, Crime, and Penal Responses: A Historical Account', *Crime and Justice*, Vol. 14 (1991), 329.

<sup>103</sup> Mayhew quoted in Zedner, 329. Report generated through MySQL query.

<sup>104</sup> NAM, BG, CCR, *Atti...* 1876 V3, 17/10/1876 is one example. (See also Chapter 3).

<sup>105</sup> NAM, BG, CCR, *Atti...* 1855 V2, 4/5/1855.

<sup>106</sup> NAM, BG, CCR 1876 V3, 17/10/1876

<sup>107</sup> NAM, BG, CCR, *Atti...* 1861V1, 29/1/1861.

<sup>108</sup> NAM, BG, CCR, *Sentenze* 1861, f145.

<sup>109</sup> NAM, BG, CCR, *Sentenze...* 1863, 395.

<sup>110</sup> NAM, BG, CCR, *Atti...* 1863V2, 1/8/1863.

### 5. British Servicemen and Foreign Thieves

British military and naval personnel feature significantly in theft cases. A total of 381 members of the garrison and 290 sailors or workers of the Royal Navy were arraigned in court for theft.<sup>111</sup> This is a substantial figure considering that the total cases of burglaries and thefts reviewed over the period 1838-1888 amounted to 1049 cases.<sup>112</sup>

Apart from jewellery, watches were particularly desired items by army and navy personnel, especially during the first half of the period under review. Gentlemen carrying waist pocket watches were often stopped by people asking the time. At times this proved to be a diversionary tactic creating an opportunity for the thief to grab the watch, chain and all, from the owner. Private Thomas M'Cowen used this strategy with Giuseppe Calopai one Sunday morning in 1861 near the Lower Barracca.<sup>113</sup> The soldier paid for his misdeed with six months' hard labour.<sup>114</sup>

The foreign soldiers and seamen even stole cash and valuable items from each other, especially when they got drunk after visiting different liquor shops on both sides of the harbour. William Coussins and Robert Ayers stole the £30 golden watch and its golden chain belonging to Lt. Augustus John Kingston in 1856, all three members of the *St Jean d'Acree's* crew.<sup>115</sup> In the same year, Thomas Jones of the 20<sup>th</sup> Regiment was sentenced to one year hard labour<sup>116</sup> for attempting to steal a bag containing eleven shillings from a drunken Benjamin Wallace at Lorenzo Micallef's shop in Bakery Street, Valletta. Wallace's friends consigned Thomas Jones to the police when they found him stealing the money.<sup>117</sup>

On the other hand, these British sailors and soldiers often turned into theft victims especially when drunk. They were easily overcharged by local cart drivers and boatmen. Prices for transport were published<sup>118</sup> and the Police authorities had to see that these were adhered to. The list contained prices for hiring carriages and boat-trips to and from different parts of the Grand Harbour. British soldiers used to report to the police that the boatmen overcharged them with 'unbearable' fares.<sup>119</sup> This often resulted in brawls. However, when drunken military men or sailors boarded boats late at night, some boatmen took the opportunity to rob them of any remaining cash in their pockets.

The foreign sailors and soldiers were also at risk of being robbed when they stayed the night at the inns or hotels after drinking at the grog shops in Valletta and the Three Cities. Alcohol, therefore, turned these men into easy prey for thieves. When a soldier, William Smith, was at the *Ta Gienia* coffee shop in Santa Lucia Street in 1859, he at first tried to grab the watch the ship captain Rajes Salah Ben Aid had dangling around his neck. He was stopped in time but during the scuffle he had grabbed his victim's purse throwing it quickly to his friend who ran away with it. Smith was arrested when the Ottoman Consul reported the theft and aggression to the Marine Police.<sup>120</sup>

Military quarters were also centres where theft was committed either by the soldiers stationed there or by local personnel employed in messes and canteens. In 1877, for example, Giuseppe Ceci was accused of stealing a pair of binoculars from Fort Manoel.<sup>121</sup> Thefts by British soldiers and sailors of different types of articles from the Valletta shops have already been mentioned. In 1861, Charles Healey, for example, smashed the shop-window with his own fist to grab a musical instrument from Luigi Carabott's shop in Bishop Street, Valletta.<sup>122</sup>

When thefts occurred on sea vessels on their way to Malta, the suspect was handed over to the local police on entering the Grand Harbour to be judged at the Maltese courts as established in

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<sup>111</sup> Report generated through MySQL query.

<sup>112</sup> See Table 1.

<sup>113</sup> NAM, BG, CCR *Atti* 1861 V1, 2/1/1861.

<sup>114</sup> NAM, BG, CCR *Sentenze* 1861, 31.

<sup>115</sup> NAM, BG, CCR, *Atti...* 1856 V1, 24/1/1856.

<sup>116</sup> NAM, BG, CCR, *Sentenze* 1856, 66.

<sup>117</sup> NAM, BG, CCR, *Atti...* 1856 V1, 24/2/1856.

<sup>118</sup> NML, *Leggi e Regolamenti di Polizia per l'Isola di Malta e sue Dipendenze* (Malta, 1854).

<sup>119</sup> *Malta Times*, 11 September 1855.

<sup>120</sup> NAM, BG, CCR *Atti...* 1859 V2, 15/6/1859.

<sup>121</sup> NAM, BG, CCR *Atti...* 1877, 19/10/1877.

<sup>122</sup> NAM, BG, CCR *Atti...* 1861 V1, 16/1/1861.

1829.<sup>123</sup> Captains at sea at times tried to emphasise their authority by punishing the culprits themselves creating legal anomalies. In 1842, James Whitehouse of the Royal Marines was accused of having stolen a watch, valued at £6, belonging to the vessel's Midshipman, Thomas Dinham Atkinson. Whitehouse claimed that since he had been punished by the ship captain for his misdeed there was no need for his case to be heard by the Maltese Criminal Court posing a problem for the Crown Advocate who logically asked the Governor whether a sea captain had the right to deliver punishment without any trial or court martial.<sup>124</sup> The Crown Advocate had to abandon the case.<sup>125</sup>

Some visitors to the Island, other than the British troops and sailors, were also tempted to appropriate what did not belong to them. Since most foreign visitors did not venture outside the harbour towns except for the occasional excursion to Rabat and Mdina, their theft cases were mostly committed in the harbour towns increasing the frequency of that crime in the area. The Sicilian textile merchant Melchiorre Cigna in 1863 was sentenced to three years' hard labour at the local Criminal Court<sup>126</sup> when, on arriving in Malta, he moved a chest containing 1223 Sicilian pieces to a convent in Senglea without the knowledge of his brother and nephew. Later, he also left his nephew's money, amounting to 553 Sicilian pieces, with the Floriana Capuchin Friars.<sup>127</sup>

## Different types of theft

### *1. Theft of Agricultural Goods and Livestock*

In 1838, 14% of the total cases, heard at the criminal court, that is 13 out of 92, dealt with theft of agricultural goods from the countryside.<sup>128</sup> In October of that year, the newly established newspapers, like *Il Portafoglio Maltese*, reported the stealing of crops in several rural areas as at Benghisa and Ascjak.<sup>129</sup> A year later, the same paper asserted that it was necessary for the police to protect the residents of the countryside, especially those of Ascjak and Birkirkara who were frequent victims of rising theft from their fields and their houses.<sup>130</sup> The perception that the theft rate was high is confirmed by the statistics gleaned from the court records. Over the next ten years there were another 39 thefts in which agricultural goods were stolen plus another 18 involving theft of farm animals.<sup>131</sup> John Austin and George Cornwall Lewis, the two eminent British jurists forming part of the 1836 Royal Commission, correlated the increase in the theft of agricultural goods to economic decline.<sup>132</sup> They mentioned the fact that crops were being stolen directly from the fields highlighting the lack of security in the countryside especially during the night. Farmers were constrained to stand watch at their fields to protect crops which they were about to harvest.<sup>133</sup>

In Malta, the cases of rural theft did not include any 'poaching' (to illegally hunt or catch game or fish on land that is not one's own or in contravention of official protection).<sup>134</sup> Although this crime seems to have been particular to rural communities in other countries such as Britain,<sup>135</sup> no local landowner possessed such vast areas because of the Island's limited territory.

Cases of theft of agricultural goods continued to feature in the Criminal Court throughout the half century under review although at a lesser rate. Even improved economic conditions during the latter part of the period did not end the theft of agricultural produce, although that dwindled to 8 cases

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<sup>123</sup> Proclamation VI of 1829 introduced trial by jury for certain serious cases only but enforced legal equality between the local population and the British forces present here. UM A&RB Dept, Ms175, *The Historical Development of Trial by Jury* by Hugh William Harding, 47.

<sup>124</sup> NAM, SS, MS No. CA 13, *Opinioni e Rapporti 1841-1844*, 253.

<sup>125</sup> NAM, BG, CCR, *Denunzie* 1842, 30/8/1842.

<sup>126</sup> NAM, BG, CCR, *Sentenze* 1863, 370.

<sup>127</sup> NAM, BG, CCR, *Atti...* 1863, V1, 18/5/1863.

<sup>128</sup> NAM, BG, CCR, *Denunzie* 1838.

<sup>129</sup> *Il Portafoglio Maltese*, 6 October 1838.

<sup>130</sup> *Il Portafoglio Maltese*, 6 October 1839.

<sup>131</sup> See Table 1.

<sup>132</sup> Pirota, 114.

<sup>133</sup> NAM, SS, GMR151, John Austin and G. C. Lewis, *Report on the Police of Malta*, 15.

<sup>134</sup> Retrieved on 25 March 2016 from <http://www.oxforddictionaries.com/definition/english/poach?q=poaching>

<sup>135</sup> Johnston, 21.

from 1879-1888.<sup>136</sup> The products ranged from grass for fodder and beans to bales of cotton. In 1855, for example, Ludovico Mula was taken to court for having stolen beans from the fields belonging to seventy-eight year old Giovanni Mula at Iklin.<sup>137</sup> In 1857, complaints arose about nightly thefts of fruits and poultry in the vicinity of the Three Cities, Tarxien and Paola, without furnishing any reliable evidence, the *Malta Times* concluded that:

‘These acts are attributed to characters who returned to Malta from Constantinople and the Crimea at the termination of the late war, and who, having probably squandered away their ill-gotten gains, have had recourse to this mode of obtaining a livelihood.’<sup>138</sup>

By 1880, the Council of Government was considering a motion for the re-introduction of the *prechetto notturno* (later withdrawn) as a means of dealing with the apparent increase in theft cases.<sup>139</sup> Dr Naudi referred to the overwhelming number of countryside thefts that were never reported. The Crown Advocate, Adrian Dingli, promptly commented that ‘It is impossible for the police to protect every cabbage in the country.’<sup>140</sup> The latter even wanted to involve normal citizens in patrolling village outskirts together with the local policemen,<sup>141</sup> a type of ‘neighbourhood watch’. A witness in an 1877 case of rural theft, Giorgio Debattista, explained that they were ‘infested’ (*infestati*) with boys stealing fruit from trees.<sup>142</sup> In reality, the number of reported theft cases in general was diminishing.<sup>143</sup> The reduction in reported thefts might be attributed to the decision to report even stolen items of minor value. Yet the above-mentioned debate reflects the deep concern about theft, and therefore, the right to private property. Thieves needed to be controlled even when having served their jail terms; a control that was being deeply debated in Britain also during the late 1870s.<sup>144</sup>

It is unclear whether in the countryside culprits stole crops and fruit because these were easily accessible for free, or whether it was the sheer poverty and hunger that instigated them to steal. Small scale thefts, as the one of February 1838, when Francesco Camilleri from Żebbuġ was accused of stealing a hen and two eggs, would indicate that the thief stole them for his own use.<sup>145</sup> What transpires from the documents is that the agricultural community turned suspicious, an attitude that created friction and led to other crimes. When, in 1878, Marianna Danastasio was picking grass for fodder from the exterior wall of Giovanni Camilleri’s farmhouse at *Fiddien*, he assaulted her and bit off her ear lobe.<sup>146</sup>

Robberies from farmhouses could be quite significant. Farmsteads were deserted and generally situated in isolated areas so that thieves stood less chance of being caught red-handed. When all the family members were working in the fields, thieves had plenty of time to move away with large farm animals such as sheep and pigs. In 1871, the animal trader, Emmanuele Schembri, was found guilty of stealing a sheep, two lambs, two pigs, three rabbits, sacks and a gun from a Naxxar farmhouse.<sup>147</sup> The larger animals such as sheep and goats were usually sold as far away as possible from the crime scene to limit the chance of discovery. The police, in fact, encountered problems trying to identify stolen animals. In the case of the sheep stolen from the room of the seventy-year old Elizabetta Delfonso on Christmas day 1857, the court was given a clear demonstration that the sheep belonged to her. Declaring that the sheep always followed her around, Elizabetta stood up and the sheep promptly walked behind her around the hall. Elizabetta explained how the sheep was essential to her livelihood as it provided the milk she sold.<sup>148</sup>

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<sup>136</sup> See Table 1.

<sup>137</sup> NAM, BG, CCR, *Atti...* 1855 V2, 30/4/1855.

<sup>138</sup> *Malta Times*, 3 February, 1857.

<sup>139</sup> Criminals could be sentenced not to roam out-of-doors during the night under the *Drittto Municipale*.

<sup>140</sup> NAM, SS, *Debates* V5, 783.

<sup>141</sup> *Ibid.*

<sup>142</sup> NAM, BG, CCR, *Atti...* 1877 V4, 29/9/1877.

<sup>143</sup> See Table 1.

<sup>144</sup> Johnston, 52.

<sup>145</sup> NAM, BG, CCR, *Denunzie* 1838, 17/2/1838.

<sup>146</sup> NAM, BG, CCR, *Atti...* 1878 V4, 30/7/1878.

<sup>147</sup> NAM, BG, CCR, *Atti...* 1871 V1, 6/2/1871.

<sup>148</sup> NAM, BG, CCR, *Atti...* 1858 V1, 12/1/1858.

Whenever investigators traced the persons who sold the animals to the last owners, they were usually on the right track to discover the thieves. Obviously, all agricultural tools, crops, grass, and animals stolen from farmsteads could be used by thieves in cultivating their own fields besides selling them to third parties. Poultry, sheep, goats and rabbits could provide nutritious meals to one's own family. Poultry and rabbits were easier to steal and carry because of their size.<sup>149</sup>

## 2. Burglaries

Burglary constitutes unauthorized entry with the intention to commit a crime, usually theft.<sup>150</sup> Local criminals stole all kinds of goods by breaking into dwellings, shops, stores and other buildings. Burglaries were more profitable than stealing from the person as usually people kept their valuable possessions in their own households.<sup>151</sup> Besides precious items such as jewellery, silverware and glassware, household items such as bed sheets, pillow cases and blankets were also stolen. Thieves often made use of false keys to enter houses or shops.<sup>152</sup>

Jewellery was, as has already been indicated, keenly sought by burglars. In the harbour towns, gold and silversmiths' shops were at great risk. During opening hours (with the shops open well up to 9 pm or later) they were the targets of either drunken or malicious individuals (usually British sailors or soldiers) who broke shop windows to steal the articles on display. In 1858, French resident, Madame Constance Thiellay, recounted how Royal Artillery gunner, Thomas Guest, had kicked her shop-window glass-pane to grab jewellery from her shop in Theatre Street, Valletta.<sup>153</sup> A few days later, Private Richard Froma threw a stone at the watchmaker's shop in the same street.<sup>154</sup> In December 1861, goldsmiths Luigi Fonk and Paolo Cauchi were robbed during the night of £4000 worth of jewellery items from their shop. Since two patrolling constables stated on oath they had not absented themselves from duty when the robbery was discovered in the morning, Luigi Fonk was accused of having committed the crime himself. In agreement with co-owner Paolo Cauchi, Fonk had slept in the shop for the previous two years but had left on that day because of fatigue and another shopkeeper's assurances of police presence in the vicinity.<sup>155</sup> Eventually, a part of the booty was discovered by Fonk himself at Constantinople after the Customs Authorities informed the English Consul of having found precious articles in the hands of Salvatore Meilach when he arrived in that city.<sup>156</sup>

The most serious burglaries were those aggravated by violence which at times resulted in murder. Police protection appeared ineffective especially when thieves committed murder in the crowded harbour region amidst oblivious neighbours, friends and passers-by. The *Malta Times*, in 1859, commented that '... one would imagine that Malta in general and Valletta in particular are places, of all the world, the least adapted for the concealment of crime.'<sup>157</sup> The murder of the Greek, Cristo Dauli, was committed in the centre of the capital city at his own residence at West Street in March 1859. His strangulated corpse was only discovered when friends alerted the police that he had not been seen and was not answering the door. Although some of his clothes and bed linen were found in the possession of one of the accused, Agostino Baldacchino of Qrendi, there was no indication of how much cash or precious items, if any, had been stolen during the tragic burglary.<sup>158</sup>

The burglary of the century, when thieves stole £2,700 plus jewellery from the residence of Lorenzo Demartino at 35, Market Street, Floriana in 1862, continued to tarnish the reputation of the Police Force. During the robbery, Caterina, the family maid was murdered.<sup>159</sup> The *Malta Times*

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<sup>149</sup> NAM, BG, CCR, *Denunzie* 1840, 10/12/1840: Gio Maria Frendo from Mosta was accused of having stolen five hens and two cocks.

<sup>150</sup> Retrieved on 14 September 2014 from <http://criminal.findlaw.com/criminal-charges/burglary-overview.html>

<sup>151</sup> Gray, 100.

<sup>152</sup> NAM, BG, CCR, *Atti...* 1878, 26/2/1878; 1863 V1, 11/2/1863: Matteo Borg had used a false key (*chiave adulterina*) to enter Gio Battista Mizzi's residence at Tarxien.

<sup>153</sup> NAM, BG, CCR, *Atti...* 1858, 21/9/1858.

<sup>154</sup> NAM, BG, CCR, *Atti...* 1858, 28/9/1858.

<sup>155</sup> NAM, BG, CCR, *Atti...* 1862V5, 26/12/1861.

<sup>156</sup> *Malta Times*, 1 June 1865.

<sup>157</sup> *Malta Times*, 3 May 1859.

<sup>158</sup> NAM, BG, CCR, *Atti...* 1859 V1, 15/3/1859.

<sup>159</sup> NAM, BG, CCR, *Atti...* 1862 V4, 31/7/1862.

blamed ‘the Police for want of vigilance in allowing such an audacious deed to be perpetrated in so public a place...’<sup>160</sup> The case was solved because one of the culprits, GioMaria Borg of Birkirkara, was pardoned to reveal the details of the crime after an innocent man had been arrested. The jewellery was found in a field in *Swieki* whilst the cash was never retrieved.<sup>161</sup>

The question of security (which included controlling crime and theft) motivated Council of Government members in 1859, to provide lighting in the vicinity of Valletta and its suburbs, with particular attention to St Joseph Road.<sup>162</sup> When thirty years before, the lights installed in London proved effective in reducing crime the *Westminster Review* commented ‘What has the new light of all the preachers done for the morality and order of London, compared to what has been affected by this new light?’<sup>163</sup> Despite the effort, however, the years 1859-1868 registered an increasing national total of 308 burglaries and thefts compared to the 172 cases of the previous decade.<sup>164</sup>

Burglars resorted to some strange strategies in rural areas. In 1854, Anna Cilia, residing at Qormi, discovered a man emerging from under her bed after her son had left to town to sell his agricultural products. As in this case, entrance was facilitated by the traditional structures of Maltese farmhouses where the first floor residential quarters are accessible by an outdoor staircase and doorway.<sup>165</sup>

Easy access also facilitated the stealing of different items valued at varied financial estimates from public places such as churches. Wax and cash were stolen from Lija Parish church in 1861.<sup>166</sup> The black cape of a priest went missing at the sacristy of the Mdina Cathedral in 1862.<sup>167</sup> The Gharghur Church silverware, worth 4700 *scudi*, was stolen in 1878.<sup>168</sup> Even the more frequented St. Publius Church in Floriana became a target for thieves when a number of *ex-votos* were stolen in 1884.<sup>169</sup> The few coins in offering-boxes under Valletta corner-statues were stolen in 1852 but the two lads aged seventeen accused of the crime were not found guilty.<sup>170</sup>

It might be rather strange to us, nowadays, that items of personal clothing were regularly stolen from homes and rural rooms. Maria Agius of Rabat stole two skirts from the house of Grazia Vella besides a pair of earrings in January 1838.<sup>171</sup> Clothes could be used by the thief, pawned, sold, or given as gifts to dear ones. Cloth furnishings like sheets and blankets and even textile material were similarly sought. The stolen red silk material found at the Valletta residence of the Gozitan Maria in 1843 was enough for ten handkerchiefs.<sup>172</sup> Theft of clothing was not particular to Malta.<sup>173</sup> Sailors saw great value in acquiring items of clothing and furnishings.<sup>174</sup> They appeared in the Criminal Court charged with having appropriated the clothes of their colleagues.<sup>175</sup> They even stole clothes from shops. The court volumes studied contained only a few instances of shoplifting,<sup>176</sup> a dissimilar scenario from London where this crime was a serious problem. However, unattended items in grog shops would have been whisked off. In 1842, Obediah Delmon, a sailor, made off with a jacket, shirt, and cotton handkerchief belonging to the owner of the grog shop *Little John’s* at Floriana.<sup>177</sup> When

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<sup>160</sup> *Malta Times*, 23 October 1862.

<sup>161</sup> *Malta Times*, 1 January 1863.

<sup>162</sup> *Malta Times*, 1 March 1859.

<sup>163</sup> Quoted in M. J. D. Roberts, ‘Public and Private in Early Nineteenth-Century London: The Vagrant Act of 1822 and Its Enforcement’, *Social History*, xiii, 3, (1988), 273-294.

<sup>164</sup> See Table 1.

<sup>165</sup> NAM, BG, CCR, *Atti...* 1878 V2, 23/2/1878.

<sup>166</sup> NAM, BG, CCR, *Atti...* 1861 V1, 10/1/1861.

<sup>167</sup> NAM, BG, CCR, *Atti...* 1862 V5, 13/12/1862.

<sup>168</sup> NAM, BG, CCR, *Atti...* 1878 V4, 16/8/1878.

<sup>169</sup> NAM, BG, CCR, *Atti...* 1884 V2, 29/9/1884.

<sup>170</sup> NAM, BG, CCR, *Atti...* 1852, 6/2/1852.

<sup>171</sup> NAM, BG, CCR, *Denunzie* 1838.

<sup>172</sup> NAM, BG, CCR, *Denunzie* 1843, 25/4/1843.

<sup>173</sup> Lane, 43: ‘The great majority of reported thefts in the late nineteenth century were of small consumer items, mostly clothing.’ See also D. Philips, *Crime and Authority in Victorian England: The Black Country 1835–1860* (London 1977), 177: theft of clothing was the second highest of all crimes against property.

<sup>174</sup> NAM, BG, CCR, *Atti...* 1878, 18/2/1878 Two Italian sailors stole clothes from Giuseppe Montaldo’s chest on board *Maltese Venus*.

<sup>175</sup> *Ibid.*

<sup>176</sup> See Shelley Tickell, ‘The prevention of shoplifting in eighteenth century London’, *Journal of Historical Research in Marketing*, ii, 3, (2010), 300–313.

<sup>177</sup> NAM, BG, CCR, *Denunzie* 1842, 13/7/1842.

one considers that even clothing articles could be pawned in exchange for cash, one realizes the economic value attached to such goods at the time.<sup>178</sup> However, the number of clothes thefts diminished over time which could be interpreted as portraying an improved economic situation. Whereas, in the first decade, 1839-1888, theft of clothing constituted over 20% of total theft charges, by the last decade, 1879-1888 it was only c. 12% of theft cases.<sup>179</sup>

In the local context, burglary might have signified a direct challenge to trusts built in village community life where most felt safe and at ease not to take security measures. In Britain, burglary attacked the 'sanctity' of the household promulgated by Victorian society.<sup>180</sup> In Malta, burglary struck a blow not only to the privacy of the individual households but also to a society's distinct way of life.

### 3. Theft Aggravated by Violence

Persons who were assaulted and robbed of their money were usually walking late in the evening. Such crimes were often committed by British soldiers. British army recruits were considered to be mainly from the 'very dregs of the population – ignorant, vicious and idle....'<sup>181</sup> The army 'composed of the scum of the earth'<sup>182</sup> as described by the Duke of Wellington was 'a huge and extravagant reformatory' contributing to society by removing objectionable members who could be rehabilitated through military discipline.<sup>183</sup>

In 1859, four soldiers of the Rifle Brigade attacked Guglielmo Federico Testaferrata and his sister Maria Teresa, while these were walking from Marsa to St Joseph Road late in the evening. They beat Guglielmo kicking him in the chest, taking away his purse while one of them hit Maria Teresa with a stone on her face.<sup>184</sup> The four soldiers, all between nineteen and twenty-three years of age, were each sentenced to twelve years' hard labour,<sup>185</sup> a harsh sentence that revealed the gravity of the case.

Although no wave of garrotting as that experienced in the London of the early 1860s was experienced in Malta, in March 1860, the *Malta Times* did report three cases of assault and robbery by soldiers in the area between Valletta and Floriana. The University secretary, for example, was returning home in Floriana after work when assaulted. Whereas in London the newspaper coverage of the 1856 and 1862 attacks created what were later termed 'moral panics',<sup>186</sup> the local newspaper focused on the military colonial connection. Indignantly, the *Malta Times* editor commented that ironically these attacks had been committed by 'British soldiers sent to protect our lives'.<sup>187</sup>

In the villages, theft aggravated by violence was generally committed by Maltese aggressors. An already sick GioBattista Spiteri was thrown to the ground by four men and robbed of his money, some 11 pennies and a Sicilian coin, as he was making his way from Attard to B'Kara in 1885.<sup>188</sup> Thieves chose lonely figures in out of the way places as was the case in 1885 when Giuseppe Grech was attacked and robbed of 52 *scudi* while walking alone from Naxxar to St. Paul's Bay.<sup>189</sup>

Theft aggravated by assault was also a crime committed by Maltese on foreigners visiting the Island whether they were British soldiers, sailors, or travellers. In 1880, the Turk, Hasan Ben Jussef, was attacked by three Maltese men to get his money amounting to over £1 after inviting him to accompany them to several wine and spirit shops in Valletta.<sup>190</sup> The fact that sailors and at times even

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<sup>178</sup> Maria Cutajar, *The Monte di Pietà in Malta 1860-1900*, unpublished B.A.(Hons) HIST dissertation, Department of History, University of Malta, 2011, 55.

<sup>179</sup> See Table 1.

<sup>180</sup> Gray, 100.

<sup>181</sup> Henry Marshall, 'Historical Details Relative to the Military Force of Great Britain', *United Service Magazine*, xxxviii (1842, Pt. I), 178, 180.

<sup>182</sup> Peter Burroughs, 'Crime and Punishment in the British Army', 1815-1870', *The English Historical Review*, c, 396, (1985), 545-571.

<sup>183</sup> *Ibid.*, 550.

<sup>184</sup> NAM, BG, CCR, *Atti...* 1859, V3, 24/9/1859.

<sup>185</sup> NAM, BG, CCR, *Sentenze* 1859, 529.

<sup>186</sup> Johnston 30-31; Gray 35-36.

<sup>187</sup> *Malta Times*, 7 March 1860.

<sup>188</sup> NAM, BG, CCR, *Atti...* 1885 V2, 26/1/1885.

<sup>189</sup> NAM, BG, CCR, *Atti...* 1885 V3, 2/9/1885.

<sup>190</sup> NML, BG, CCR, *Atti...* 1881 V1, 2/11/1880.

soldiers carried cash in different currencies made it easier for the policemen to find the missing money, to ascertain ownership and identify the culprits. Different currencies were considered legal tender on the Island. British silver and copper coins were declared legal tender only in 1825.<sup>191</sup>

#### 4. *Theft in the Harbour*

Increased harbour activity also resulted in a higher amount of thefts in the port itself. Petty thefts from anchored ships in the harbour by crew members and boatmen were a common occurrence. By the early 1850s British writers could boast that the Island enjoyed ‘a crowded port, and an ever increasing mercantile traffic’ thanks to the British connection.<sup>192</sup> The reported thefts included small objects such as the binoculars taken from the porthole of the English ship *Laconia* by the eighteen-year-old boatman, Giuseppe Ciantar<sup>193</sup> and even larger naval equipment. During the night boatmen rowed their boats next to ships berthed in different areas of the Port to steal whatever they could. They also made their way to the prohibited pontoons stealing materials, ropes, anchors and tools belonging to the Royal Navy<sup>194</sup> and other merchandize awaiting transportation to warehouses.<sup>195</sup> Sailors of different nationalities on board different merchant ships befriended each other and at times collaborated to steal from their ships. In 1866, the Austrian Marco Petrino, a sailor on the English Barque *San Pietro*, broke open a chest containing ninety-five Sicilian pieces which he entrusted to Cosmo Dobrilla, an Italian sailor on board the Italian Barque *Volonta` di Dio*.<sup>196</sup> Merchant ships were easier prey than the better guarded Royal Navy battleships. The latter however, were not immune to theft. Even thick ropes holding ships at anchor were at times cut off and stolen, usually during dark nights, with the result that they floated out of position risking great damage.

The Marine Police Department dealt with the crimes committed in the harbour. In 1862, after it had been decided that its members needed to be literate and that police constables from the Executive Police could ask to be transferred to this section, the Marine Police was reported to have improved.<sup>197</sup> In 1889, the Committee appointed by the Governor to report about the organization of the police force pointed out that the Superintendent of Ports had only the authority to suspend a boatman’s licence for a month. Minor offences, including thefts, had become so numerous that the Committee suggested that the Superintendent’s legal powers be extended so that he could have the authority to forfeit ‘the boats used for illicit purposes’.<sup>198</sup>

## Conclusion

The Maltese Criminal Court records show that thieving was severely dealt with by the local judges. Certain particular characteristics connected with crimes against property are traceable in these documents.

A considerable number of foreigners and British servicemen not part of the local ‘poor’ were involved in theft cases. The majority of Maltese accused of crime against property came from the lower strata of society, a fact which strengthens the notion that poverty was a strong motivation for theft for the local population. These Maltese thieves were never deemed as ‘undeserving poor’ on the island, as those charged with theft used to be categorized in England. The reactions that can be gleaned from the court records themselves and the newspapers of the time, infer that the Maltese perspective thought more of them as being in the wrong morally, the ‘unrighteous poor’ – a description most probably linked to and based on Catholic outlooks of right and wrong.

No local criminal gangs organizing large-scale burglaries emerge in the Criminal Court records under review. Neither is there any mention of international links with some type of organized crime in

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<sup>191</sup> Sammut, Joseph C. and Mizzi, P., *From Scudo to Sterling: money in Malta 1798-1887* (Valletta, 1992), 42.

<sup>192</sup> Whitworth Porter, *A History of the Fortress of Malta* (London 1851), 233.

<sup>193</sup> NAM, BG, CCR, *Atti...* 1877, 19/9/1877.

<sup>194</sup> NAM, BG, CCR, *Atti...* 1843, 7/12/1843: Antonio Scannura attempted to steal items belonging to the Naval Arsenal from a pontoon.

<sup>195</sup> NAM, BG, CCR, *Atti...* 1874 V1, 16/1/1874: Italian sailors stole rope and wood from the pontoons.

<sup>196</sup> NAM, BG, CCR, *Atti...* 1866 V1, 10/1/1866.

<sup>197</sup> NAM, SS, CSG03, 892, 3/2/1862.

<sup>198</sup> NAM, SS, GMR 272, 137.

Britain, Sicily or the continental mainland. On a few occasions small groups of persons were arrested by the police authorities but they showed no great organizational skill in crime. Although the 1836 Royal Commissioners did speak of gangs of thieves raiding the countryside, in reality the police generally arraigned individuals rather than groups. In 1860, six individuals were arrested for stealing potatoes but they were discovered because one of them had shot a mounted policeman.<sup>199</sup>

On the other hand, most victims of theft had precious little financial means and were largely illiterate. A strong case can be made about the accessibility of the local criminal justice system to those robbed of their possessions, no matter how trivial. These were well-acquainted with the procedural legal pathway they needed to seek redress. This could be due to two possible factors: firstly, that the police officers, legally responsible to make a charge, guided victims effectively through this process and secondly, that the experiences of numerous thefts had created a knowledge capital in Maltese society that was transmitted mainly by word of mouth.

Theft cases highlighted the concern for juvenile offenders which unfortunately was not translated into any concrete action by the authorities. The only conceivable response was legal chastisement through Criminal Court punishments specifically to address this problem. The resulting imprisonment furnished these youngsters with the opportunity to create bonds with other, more expert, criminals – a failure of the criminal justice system in achieving deterrence.

In the nineteenth century, the local criminal justice system aimed at preventing theft by imposing hard prison sentences on those charged with stealing. It was hoped that these individuals would not turn into repeat offenders. However, recidivists were often the protagonists in theft charges. The statistics indicate a decline in thefts during the last two decades under review.<sup>200</sup> Disciplining thieves was seen as a way of saving them from a life of crime while safeguarding society from the ills of criminality. In Malta, this could be achieved without humiliation since imprisonment conditions at Corradino were more lenient than in other prisons in Britain itself. Yet the stigma must have stuck to these individuals in the small Maltese communities limiting their chances of employment. In the relatively small Maltese society, it seems that, once they served their sentence, thieves continued to move in their usual circles.

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<sup>199</sup> NAM, BG, CCR, *Atti...* 1860, 28/4/1860; 2/5/1860.

<sup>200</sup> See Figure 1.