
Crime and Punishment in the Court of the Inquisition 1600-1640*

This article is a synoptic treatment of some of the most typical crimes which fell under inquisitorial jurisdiction in Malta during the period 1600 — 1640. Cases of violence, rape, duelling and homicide are not to be found in the inquisitorial court which only deals with crimes connected with faith and heresy. The first part deals with the inquisitorial manuals and the theory of procedure. The second part is based on the bulk of material available, formed of numerous trials brought before the Inquisitor. Emphasis has also been placed on the uniformity, or conversely, the contrast existing between punishment as stipulated in the inquisitorial judicial manuals and that actually delivered to the guilty.

I

Heresy

This crime is analysed at great length in the inquisitorial manuals.¹ "Positive" heretics included those who were born in "heretical" countries where the Catholic religion was not even practised.² The Inquisitor was to adopt a policy of "mercy" with those heretics as it was not their fault that they embraced such "distorted" ideals.³ "Negative" heretics were those who, despite sufficient evidence proving their guilt, still refused to confess the whole truth.⁴

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“Spontaneous” heretics were those who presented themselves to the Inquisitor, before any accusations had been made against them.⁵ In such cases, the punishment imposed was generally of a spiritual nature.⁶

The harshest treatment was delivered to those who, after having formally abjured their crime, had relapsed into heresy. These were handed over to the secular arm so as to be sentenced to death.⁷

The punishments imposed on heretics were not really dealt with coherently in the manuals, but were often left at the judge’s discretion.

Bigamy

As opposed to heresy, the punishments inflicted on bigamists were not left so vague. In this particular case therefore, the Inquisitor was provided with a sounder guideline in his attempt to eradicate bigamy.

After being tortured and thoroughly cross-examined, bigamists were sentenced to five, and at times, seven years on the galleys.⁸ If a bigamist had tried to provide false evidence, the sentence was extended to seven and even ten years on the galleys.⁹

Blasphemy

Blasphemy could either be “heretical” or “non-heretical.”¹⁰ Certain expressions such as *Puttana di Dio*¹¹ were not termed heretical unless repeated for several times.¹² If such words were uttered in a mad gust of passion or rage, as was often the case during gambling or fighting, the punishment imposed was generally extremely mild.¹³ On the other hand, even if the accused could prove that he had uttered certain blasphemous words only after being provoked into it, he was still punished harshly if various witnesses could testify to his previous bad conduct.¹⁴ The punishment which could be imposed on those found guilty of swearing without anger or provocation, as opposed to those who swore in moments of uncontrollable passion, could be extremely harsh. It included wearing an inscription on the chest indicating one’s crime, penal flagellation, exile and at times, imprisonment.¹⁵

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Spiritual Punishments

When the crime was not so serious or when the evidence provided was not sufficient to condemn the accused, the Inquisitor could inflict spiritual punishments.⁴⁷ These could either be carried out privately or in public. In the actual trials, the Inquisitor often ordered the accused to fast on certain days, to confess once a month, to hear Mass four times a year and to recite some prayers, usually the rosary.⁴⁸ Such a "punishment" could be carried out privately without attracting public attention. On the other hand, when the accused was ordered to kneel at the church's door with a candle in his hand during the Sunday Mass, wearing the dress of penitence,⁴⁹ such a "public" manifestation of his repentance could easily lead to social ostracism. At times, when such a punishment was imposed on married women in particular, appeals were made to the Inquisitor asking him to change the sentence. The reason given was that such outward manifestations could not only humiliate the woman in front of the other villagers, but it could also arouse the contempt of her entire family.⁵⁰ These public spiritual punishments were not common only in Malta. G. Pitre describes in great detail the ceremony which used to take place in Sicily at the church's door and which was highly similar to that performed in Malta. The guilty person was ordered to stand at the church's door, on a Sunday, during High Mass, with bare feet, a rope hanging around his neck and a lighted candle in his hand.⁵¹

Spiritual punishments form the bulk of penalties imposed, and therefore, the Inquisitor in Malta was quite lenient. Spiritual punishments were also combined at times with other penalties, such as flogging and exile.⁵²

II

Torture

Torture played an important role in the investigation of crime that fell under the Inquisitor's jurisdiction. The study of torture reveals the way in which the Inquisitor in Malta modelled his trials on Sicilian judicial procedure.⁵³ In the inquisitorial trials which occurred in Malta, torture could be inflicted only for two successive days.⁵⁴ The most

common form of torture was the "corda."⁵⁵ If the accused was unable to withstand such torments, a lighter form of torture was adopted.⁵⁶ In fact, one comes across references in the actual trials referring to the substitution of the "corda" with lighter forms of torture. In 1624, for example, a Greek, Michiforo Metaxi, was accused of having uttered heretical words.⁵⁷ Since his right arm was extremely weak, the torture inflicted was not the "corda" but the "stringitore."⁵⁸ When the accused confessed his guilt under torture, he had to ratify his confession twenty four hours later, while no torments were being inflicted on him.⁵⁹

An interesting characteristic typifying inquisitorial procedure in both Sicily and Malta was formed by the way in which every single word uttered under torture was meticulously written down by the notary or clerk. Every single tremor, sigh or exclamation was put on paper because it was held that such expressions constituted vital clues in the Inquisitor's search for truth.⁶⁰ In fact, in numerous cases that can be found in the Inquisitorial Archives at Mdina, one can find similar details described at great length. For example, in 1612, a Genoese, Alessandro Tazzano, was accused of having married a Maltese woman while his first wife was still living in Italy.⁶¹ Each time that he was tortured, the notary wrote all the words that he screamed out because of the pain. For this reason, the case abounds with paragraphs in which the word "oyme" expressing pain, was repeated several times.⁶² Twenty four hours after his confession had been extracted under torture, Alessandro Tazzano, this time free from any torments, was made to repeat his confession.⁶³ Through this case and various others to be discussed, one can see how torture could continuously transform radically the accused's testimony. When tortured, the accused also often imparted new details which helped to confirm, rightly or wrongly, his guilt. This happened, for example, with Alessandro Tazzano,⁶⁴ Berto de Gasman,⁶⁵ Anibale Fracasso⁶⁶, and in numerous other cases.

Torture was frequently used not only in serious cases but also in minor trials, on both males and females. In 1618, for example, no less than thirty-two women were accused of sorcery.⁶⁷ It was basically through torture that evidence

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was extracted and that a complex and intriguing web of suspicion and insults gradually took shape.

Sorcery

It is important to distinguish between learned and rationalized concepts of crime as expounded in the judicial manuals, and the crimes which were actually committed, as revealed through the inquisitorial trials. This distinction between popular and learned notions of crime is best exemplified through the analysis of witchcraft, which forms one of the most common crimes dealt with by the Inquisition.

This distinction between theory and fact forms the central theme of Richard Kieckhefer's study on European witch trials:

The general problem that confronts the historian of witchcraft is a familiar one: it is notoriously difficult to glean the beliefs of illiterate masses when the only sources are texts on literate elite.⁶⁸ Literary texts, treatises on witchcraft, judicial manuals, . . . cannot qualify as faithful sources for the beliefs of the illiterate masses . . . the historian has practically no assurance that they present folk tradition in a pure form, unmixed with instinctively learned notions.⁶⁹

Studies about foreign witchcraft are of vital importance to the study of witchcraft in Malta. In Malta, as abroad, one can discern a striking discrepancy between learned and popular notions of witchcraft. In his book, Kieckhefer holds that although fifteenth and sixteenth century judicial manuals might give the impression that diabolism or the actual worship of the devil was the most common form of witchcraft, in reality, during this period, diabolism played little or no role in popular belief.⁷⁰ This striking contrast is similar to that which emerges in the early years of seventeenth century Malta. Despite all the various details expressed in the inquisitorial judicial manuals, diabolism did not play a central role on a popular level. The very allegation of diabolism was often vague and peripheral: the

accused was first charged with sorcery and then asked whether he had ever indulged in diabolism. It was precisely the judge himself and not the accused, who through a list of leading questions first mentioned devil-worshipping. For example, Margarita Muscat was accused of having adopted "unorthodox methods" so as to cast off an evil spirit which was possessing her.⁷¹ When asked whether these "unorthodox methods" included deliberate invocation of the devil, she immediately gave a negative reply. The charge of diabolism was immediately dropped. Cases which are highly similar are to be found in practically every volume of the inquisitorial trials which occurred during the period 1600 — 1640. For example, in one volume which covers the period 1605, out of fourteen cases connected in some way or another with witchcraft, not one single person was found guilty of indulging in diabolism.⁷²

Although it was very rare that the accused, even under torture, admitted to having deliberately worshipped the devil, one still comes across isolated accounts of diabolism in Malta. Madalena Bonnici, a forty-year-old woman,⁷³ was found guilty of having invoked three demons:⁷⁴ a "big" one, a "medium-sized" one, and a "little" one. These three devils helped her acquire the love of her "carnal" friends.⁷⁵ She was exiled for five years from Malta and Gozo.⁷⁶ In 1626, thirty year old Serafina Daniela was accused of an endless number of crimes.⁷⁷ She was charged of having performed over twenty different types of sorcery, ranging from sympathetic magic⁷⁸ and magical healing⁷⁹ to invocation of the devil.⁸⁰ Under torture, Serafina admitted that she had committed these crimes.⁸¹ For her "devious" crimes, Serafina Daniela was publicly flogged and perpetually exiled from Malta and Gozo.⁸² The same punishment was inflicted on another woman in 1631⁸³ who frequently invoked the devil by throwing bread out of the window.⁸⁴

Public flogging followed by perpetual exile was once again the punishment inflicted on Angela La Giacchetta in 1630.⁸⁵ She used to invoke the devil's help by saying her prayers on black rosary beads without a cross. With each "granello" (bead) she used to call out "St. diavolo viene".⁸⁶

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Similar cases offer insurmountable problems. As C. Hole observes:

It is probable that numerous confessions described as voluntary in contemporary records, were in fact procured by leading questions put to confused and terrified prisoners, or were the fruits of delusion, hysteria, and the melancholy induced by long confinement in dark and insanitary prisons.⁸⁷

In reality, such cases did not occur frequently during the years 1600 — 1640. In fact, while seventeenth century Europe saw the complex development of the idea of a witch with the introduction of the devil in their rites,⁸⁸ what existed in Malta was practically a sporadic folklore of "superstitious beliefs."

Methods Most Commonly Adopted by Sorcerers

The methods which were commonly used by sorcerers included image magic, evil eye, maleficent or beneficent charms. At times, even the Eucharist was used as an implement of sorcery.

Before turning to study these various forms of sorcery, one should note that the majority of the cases dealing with sorcery are characterized by an alarming lack of evidence and are often built completely on suspicion and personal spite:

Witchcraft, because of its secret and almost unprovable nature was considered a crime apart... suspicion alone was sufficient ground for accusation;...⁸⁹

However, although even in Malta, as abroad, suspicion was sufficient for the Inquisitor to press charges, the accused was rarely sentenced until concrete evidence proving his guilt was found. In fact, the inquisitorial volumes abound with unfinished trials that could not really be solved. In 1633, for example, a villager informed the In-

quisitor that during Sunday Mass a priest played the organ so violently, that he seemed to be possessed ("un'anima indannata"). The Inquisitor did not even press charges.⁹⁰ Similarly, in 1627, Marius Zammit denounced the lawyer Antonio Torrense of the criminal court of Mdina to the Inquisitor.⁹¹ Zammit accused the lawyer of selling his soul to the devil so as to help him win his cases. Even through these two cases, one can see how suspicion flared up on the slightest pretext.⁹²

Gleaning from the numerous accounts pertaining to the years 1600 — 1640, it is possible to construct various complex webs of accusations that could be utterly unfounded. Sorcery provides a unique insight into the social conditions of the time, particularly medical backwardness.⁹³ Where medical knowledge fell short, then sorcery was often immediately used as an explanation. Several individuals, particularly women, complained that common ailments such as headaches were due to evil eye and image magic.⁹⁴ In such cases, the only item of evidence could be "a wax image impaled through the breast with a great number of nails."⁹⁵ Needles were also often struck into the head of dolls.⁹⁶

A strong fear of maleficent magic is revealed through the assertion of various individuals who held that they were bewitched. Phillippus Graneo of Valletta, for example, informed the Inquisitor that he was bewitched by a prostitute, simply because he felt an unnatural attraction towards her.⁹⁷

Even though most of these trials are steeped in an aura of mystery, at least one important feature emerges with striking clarity. Whether maleficent magic was commonly practised, or whether it was the result of the neurotic fantasies of the accuser, fear of bodily harm and disease was particularly acute during the period studied. Wherever genuine belief in the effectiveness of witchcraft existed, there was always a sharp fear of magical injury, which in turn engendered a ready suspicion that often resulted in unfounded accusations of sorcery.⁹⁸ The inquisitorial trials abound with similar accusations of maleficent magic.⁹⁹

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Beneficent Magic

An ardent belief in the effectiveness of magic, as well as medical backwardness, often induced the Maltese to practise magical healing.

The standard treatment for healing diseases was the fumigation of the patient with burnt ingredients,¹⁰⁰ healing by touch,¹⁰¹ or also by bathing parts of the body.¹⁰² In a large number of cases those inculpated actually believed that they could attain supernatural powers and magical qualities which they exercised for their neighbours' welfare. This was the case with Angela La Giacchetta¹⁰³ and Serafina Daniela¹⁰⁴ as well as Catherine Maiorchina.¹⁰⁵ The nature of the crime was aggravated when beneficent magic was combined with religious practices, as this often directly involved abuse of the sacraments. For this reason, in 1610, Agostina La Bruna was not simply acquitted with only a severe admonishment, as was often the case, but she was given spiritual punishments for having successfully persuaded a minor cleric to place some herbs on the altar while celebrating Mass.¹⁰⁶ Cases of this type, dealing with the direct abuse of Holy Water, prayers or even the sacraments applied for medicinal or other purposes, occurred quite frequently.¹⁰⁷

Another extremely common form of sorcery was love magic, performed mostly by women. A considerable proportion of cases dealing with love magic within the Island was often strongly motivated by jealousy. A highly interesting case which clearly proves this assertion occurred in 1619 when no less than thirty two women, mostly from Valletta, were accused of having indulged in sorcery.¹⁰⁸ As each of these women, mostly prostitutes, testified against the others in a futile attempt to exonerate herself of the blame, an intriguing network of rivalry and jealousy slowly took shape. A complex web of local suspicion intermingling injuries with tension renders this case highly colourful as well as illuminating on the mentality of women at the time. Various statements uttered during the trial clearly bring to the fore this jealousy. Helionora Rilbino

states, for example, that the "donne cortigiane" at Valletta "hate each other to the extent that they could easily scratch each others' eyes right out of their faces."¹⁰⁹ Marietta Caruana stated that the prostitutes were extremely jealous of each other and always tried to concoct devious plots against one another.¹¹⁰ Countless witnesses, both males and females, testified as to who was the "carnal friend" of each individual prostitute. The evidence given was often conflicting.¹¹¹ Nearly each prostitute confessed under torture that she had practised love magic only because one of the other thirty-one women had instigated her to do so.¹¹²

At times, the Maltese tried to acquire the help of slaves¹¹³ in their attempt to arouse the love of others,¹¹⁴ as well as to acquire help against the evil eye,¹¹⁵ and to be relieved of physical ailments.¹¹⁶ In 1633, for example, Giacobina Attard spontaneously confessed to having paid a slave who aroused the love of a priest towards whom she felt greatly attracted.¹¹⁷

The Punishments Inflicted on Sorcerers

The way in which sorcerers were prosecuted greatly conformed to the methods expounded in the judicial manuals. The accused received a harsh sentence only if concrete evidence proving his guilt was provided.¹¹⁸ If the evidence proved insufficient, then the accused was either severely admonished or he was given no punishment at all.¹¹⁹ On the whole, the sentences passed cannot be considered to have been too harsh, because the accused was rarely punished on flimsy evidence.

As has already been pointed out, when the accused was found guilty of diabolism, the punishment consisted of penal flogging and exile.

One can therefore notice a certain mitigation distinguishing the punishments actually imposed from those laid down in theory. For in the manuals, it was stipulated that those found guilty of diabolism were to be handed over to the secular arm.

This mitigation can also be seen in the punishment im-

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posed on those found guilty of having practised love magic. Ignorant persons, such as Giacobina Attard²²⁰ and another woman named Giuseppa²²¹ were only given spiritual punishments.

When love magic was combined with religious practices, or when false evidence was provided, the sentence did not merely consist of severe admonishments and spiritual penalties. Many of the thirty-two women already mentioned, who had been accused of love magic, were for this reason publicly flogged and exiled. Some of them received instead fiscal punishments.¹²²

When priests were found guilty of having combined sorcery with religious practices, they could either be suspended from their order,¹²³ or they were even imprisoned.¹²⁴

Taken in their entirety, when compared with penalties imposed abroad, the punishments inflicted for sorcery by the Inquisition in Malta, were relatively mild. Compared to the rest of Europe with the more extravagant charges of diabolism, one of the most significant characteristics of prosecution in Malta was the mildness of allegations and leniency of penalties that were inflicted.¹²⁵

Blasphemy

The crime of blasphemy reveals the interrelationship existing between the punishments stipulated in the judicial manuals and those which were actually inflicted. Swearing, like witchcraft, forms a substantially high percentage of the crimes dealt with in the Inquisitor's court. The sheer abundance of "voluntary" confessions of swearing can perhaps be accounted for through at least one salient feature of the mentality prevailing in early seventeenth century Malta. Fear of damnation was a potent reality and acted as an effective deterrent to crime.¹²⁶ Yet, perhaps more important than this fear of damnation was the fact that most swear words were uttered in the presence of others. Consequently, a blasphemer would consider it safer to "spontaneously" confess his crime, as there was always the risk that somebody might report his crime to the Inquisitor.

As laid down in the manuals, the punishment inflicted on those who "voluntarily" confessed to having blasphemed in moments of passion, usually consisted either of severe admonishments or spiritual punishments.¹²⁷

The punishment became harsher when it was found out that the accused often swore. For this reason, Alosio de Gasman, who was found guilty in 1614 of having blasphemed whilst gambling, was given both spiritual and fiscal punishments (forty *scudi*).¹²⁸

The punishment became even more severe when the person did not voluntarily confess his crime but was brought forward to the court by the Inquisitor's officials. In 1612, Octavio Malavolta, a soldier from Calabria, was denounced for having blasphemed on several occasions.¹²⁹ Through the testimony of several witnesses, it became evident that the accused often swore, even when unprovoked. Different witnesses said that among Octavio's favourite "heretical sayings" was one through which he proudly declared that he was destined never to see God; even if he were given the opportunity to see God "he would prefer to keep his distance from Paradise's door."¹³⁰

At first Octavio denied these accusations and tangible information was extracted only after the accused was tortured on three different occasions. The Inquisitor ultimately imposed spiritual punishments on Octavio, who was also exiled for ten years from Malta and Gozo.

Although one might feel that this was too severe a punishment, in reality, Octavio's appeal to mitigate the sentence clearly proved that the accused was most probably a hardened criminal: in his appeal Octavio begged the Inquisitor to modify the sentence as he had already been exiled "for some other crimes," which were not specified, not only from Sicily and Naples, but from all the states governed by the King of Spain.

Given his previous conduct, the concrete evidence provided by several witnesses and the constant modification of the accused's testimony under torture, one might even have expected, as stipulated in the manuals, penal flagel-

lation and perhaps imprisonment.

Studied, therefore, as a whole, the punishments delivered to those found guilty of blasphemy were generally quite mild during the period 1600 — 1640. In fact, though it is clear that the judicial manuals were closely adhered to,¹³¹ particularly in the case of “spontaneous” confessions, the sentences generally inflicted were even more lenient than those laid down in theory.

Bigamy

Bigamy could generally arise from three different situations. The accused could either be a foreigner who abused of the inadequate means of information created by Malta's isolated position and who therefore remarried. This was the most common type of bigamy prosecuted by the Inquisitor in the period 1600 — 1640. Other bigamists included Maltese who did exactly the same as such foreigners when they themselves were abroad. At times, Maltese women whose husbands were away for a long period, remarried.¹³²

Unlike sorcery or blasphemy, bigamy did not constitute one of the most common crimes prosecuted by the Inquisitor. Still, even the relatively few cases that did occur show how in inflicting a punishment the Inquisitor often adopted a more lenient approach than that prescribed by the judicial manuals.

In 1612, Alessandro Tazzano from Genoa, was charged with having married a Maltese girl while his first wife was still living in Italy¹³³ The evidence provided by the various witnesses was conflicting. Out of the jumbled skein of conflicting evidence, only Cesar Carincione gave the real version of the story, as was to be found out at the end of the trial. He stated that the accused was separated from his wife who still lived in Genoa.¹³⁴

The accused himself provided conflicting evidence. He first insisted that he had never been married. Yet under torture, he stated that he had been married but he had actually assisted at his late wife's funeral. On further tor-

ture, Alessandro Tazzano confessed that he was actually separated from his wife whom he had frequently ill-treated.

In the light of this changing evidence, one would expect Tazzano to have been sentenced, as laid down in the manuals,¹³⁵ even to ten years on the galleys. Still, despite this false evidence, Tazzano was condemned to only five years. In other words, the punishment inflicted on him was the one that should have been applicable to those cases in which the accused immediately revealed the truth.¹³⁶

Such a mitigation in the punishment inflicted can also be seen in another case occurring in 1614.¹³⁷ Anibale Fracasso from Siena, who provided false evidence, proving that he had only married once, was sentenced to merely two years on the galleys. In 1632, Francesco Farlata, a Neopolitan bigamist who had given false evidence when interrogated, was sentenced to three years on the galleys.¹³⁸

Apostasy

Apostasy forms one of the most common crimes dealt with by the Inquisitor during the period 1600 — 1640. This crime can be subdivided into two different categories. Those accused of apostasy included Christians who had been taken as slaves into Moslem countries and who were forced to renounce their faith. At times, one also comes across cases in which Moslem slaves who had become Christians tried to escape from Malta. This case was prosecuted by the Inquisitor as it was held that on their arrival to non-Catholic countries, these slaves would renounce their Catholic faith.

Those found guilty of apostasy belonging to the first category were generally treated quite mildly as the denunciation of the Catholic faith was not voluntary. The accused was simply made to abjure his crime or he was given spiritual punishments.¹³⁹ The penalty imposed became harsher when the accused was a "converted" slave who had attempted to escape from Malta. In such cases, the punishment imposed often consisted of public flogging followed, at times, by a sentence of two or three years to the galleys.¹⁴⁰

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89. J.S. Cockburn, *Crime in England 1550 — 1880* (London, 1977), p. 73.
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91. A.I.M., Proc. 47B, case No. 270.
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93. See, for medical backwardness, P. Cassar, *Medical History of Malta* (London, 1964) pp. 425 — 433.
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100. P. Cassar, "Healing by Sorcery in Seventeenth and Eighteenth Century Malta", *The St. Luke's Hospital Gazette* XI, 2 (1976), p. 83.
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102. *ibid.*, p. 85.
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115. *loc. cit.*
116. *ibid.*, pp. 157 — 158.
117. A.I.M., Proc. 49B, case No. 116.
118. A.I.M., Proc. 23A, case No. 303.
119. See for example, A.I.M., Proc. 36A, case No. 105; A.I.M. Proc. 46B, case No. 51; A.I.M., Proc. 47B, case No. 270; A.I.M., Proc. 49B, case No. 113; A.I.M., Proc. 49B, case No. 115.
120. A.I.M., Proc. 49B, case No. 116.
121. A.I.M., Proc. 48B, case No. 43, surname illegible.
122. A.I.M., Proc. 40A, ff. 144 — 412.
123. A.I.M., Proc. 30A, case No. 95, f. 225.
124. A.I.M., Proc. 35A, case No. 3, f. 96.
125. See, for example, G.L. Burr, *Narratives of the Witchcraft Cases 1648-1706* (New York, 1959), pp. xi-xii.
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128. A.I.M., Proc. 35A, f. 112.
129. A.I.M., Proc. 30A, case No. 52.
130. *loc. cit.*
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132. Alexander Bonnici, "Aspetti della vita cristiana nell'isola di Malta verso la metà del Seicento", *Maltese Folklore Review* I, 4 (Malta, 1973), p. 323.
133. A.I.M., Proc. 30A, case No. 51, ff. 1-42.
134. *loc. cit.*
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136. *loc. cit.*
137. A.I.M., Proc. 35A, case No. 32.
138. A.I.M., Proc. 49B, case No. 152.
139. A.I.M., Proc. 23A, cases Nos. 282, 296, 329, A.I.M., Proc. 30A, cases Nos. 90, 98, 101. A.I.M., Proc. 43D, cases Nos. 156, 157. A.I.M., Proc. 43D, cases Nos. 156, 157. A.I.M., Proc. 44A, case No. 3. A.I.M., Proc. 49B, cases Nos. 101, 104, 105. In all these cases the punishment imposed did not exceed a spiritual penalty.
140. A.I.M., Proc. 49B, cases Nos. 153, 155.