

The *Capitula* of Gozo, Part II

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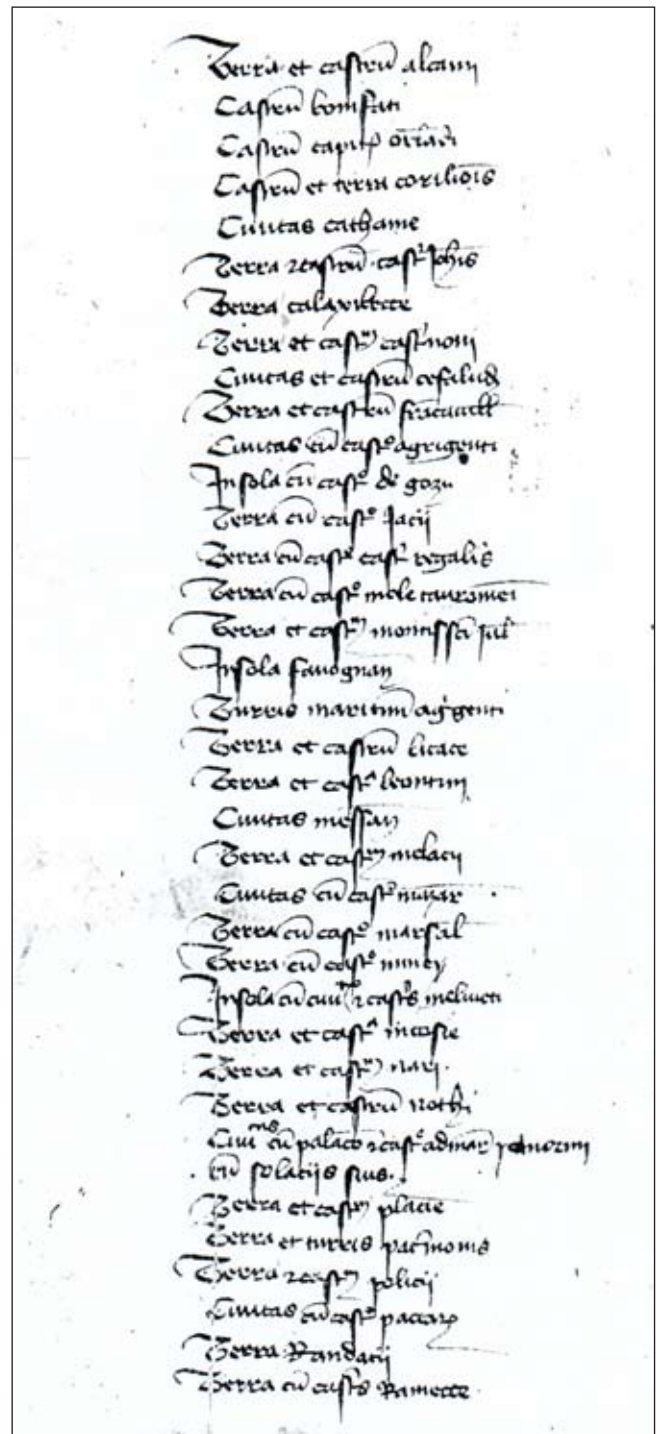
Introduction

Having seen, in the first part of this discussion of the Gozo *Capitula* (Fiorini, 2018), the general framework within which this genre of legislation was produced, including an overview of the various Ambassadors representing Gozo before the King or his Viceroy in Sicily, it is fitting now to deal in more detail with the issues that were treated in these *capitula*. As in the first part of this article, there will be several references to the *Documentary Sources of Maltese History* series which will be briefly referred to as *DSMH*.

The last troubled decades of the XIV century were characterised by the rebellion against the monarchy in Sicily, which territory the *Quattro Vicari* – the four rebel barons – partitioned among themselves, with these islands forming part of the “tyranny” of the Chiaromonte. The resumption of royal power by King Martín I ushered in a period of sedateness in which the *Universitates* of these islands could again come into their own. Their workings are well evidenced by the earliest of the *capitula*. The set of *capitula* of 1409 makes reference to the important decision taken in 1398 to incorporate these islands within the royal demanum, an aspiration which the Maltese and Gozitans cherished very dearly. The first of these reannexations goes back to November 1198, even if the existence of the *Universitas* is datable even earlier to the days of Roger II (reigned 1130-1154) as evidenced by the VI *capitulum* of 1450.

The Dawn of the XV Century

This earliest set of *capitula* of 1409 highlights, in *capitula* III and VI, another very significant aspect of the relationship of these islands to the demanum, namely the privilege that had been enjoyed by these islands for the previous half a century or so, that all excise dues on wheat and other imported foodstuffs from Sicily had been waived, as for other demanial towns, by the monarch. The concession to the Gozitan *Universitas* is explicitly asserted in a document of 24 March 1373, confirming an earlier



Facsimile of ASP Real Cancellaria 37, f. 43^v (3 October 1398). The Syracusean Parliament determines those communities, including Malta and Gozo, which were to belong in perpetuity to the royal *demanium*.

concession by King Ludovico [*DSMH* II/1: 72]. This matter of free importation of grain from Sicily was often contested by the lesser Sicilian authorities and continued to bedevil these islands even after

the arrival of the Order of St John [DSMH III/2: 1, cap. III (briefly, 1: III), and 3: II, 7: IX, 8: III, 40: II, 41: XIV].

The peace and tranquillity that followed in the wake of 1398 was soon to be broken when rebellion again reared its ugly head. With the demise of the two Martini and the passing of the administration of Sicily into the hands of Queen Bianca, the widow of Martín I, the dormant barons saw this as their opportunity to make a second attempt at grabbing the power that had been wrenched from their hands by Martín I. The Justiciar of Sicily, Bernat Cabrera Count of Modica, made Gozo his headquarters of operations against Bianca whose cause, in these islands, was taken up by Franciscu Gattu from Mdina. Gattu managed to oust Cabrera from Gozo and to reduce the island to royal control. His reward from Bianca is enshrined in the *capitula* of 1411, not to mention the ‘prize’ of a high-handed remission from a disgusting crime [DSMH II/2:137; III/2: 2].

At this time Gozo was being victimized by both Muslims and Christians alike. Capitulum 4:1 of 1419 declares unequivocally how the fate of Malta was soon to follow the *finali excidiu et destructioni in la maynera di Gozu* (the final annihilation and destruction that had been Gozo’s lot). Doubtlessly, reference was being made to the recent unchecked, bold incursions on Gozo by Moors that had even burnt the *madia et barca dilu passu* – the ferry-boat

that connected the two islands – in 1405 [DSMH II/2:75.]. For this reason a strong plea was being made for the construction of a tower on Comino, the island that had been turned into a pirates’ den where they could hide unchallenged to pounce on unsuspecting shipping plying the waters of the Gozo Channel. Detailed plans are given in the 1419 *capitula* but nothing came of them for full two centuries.

There was to be no respite for the islanders. One of the reasons why work on the construction of the Comino tower was not under way was that King Alfonso had his mind more set on warring in Africa and on the continent, needing all available funds especially for his Neapolitan *amprisa*. This money-devouring campaign led the monarch to pawn his property to abetting magnates who were willing and able to exploit the situation. Alfonso’s demanial towns in Sicily fell easy prey to this deliberate policy – Aci (in 1420 was pawned for 10,000 florins), Sutera (for 700 *uncie*), Naro (for 15,000 florins), Marsala (for 4,300 florins) and the Castrum of Termini (for 600 *uncie*, all pawned in 1421), Taormina (for 550 *uncie* before 1423), Licata (for 3237 *uncie*) and Sciacca (both pawned in 1423), Reggio Calabria (for 3,000 ducats in 1425) and others later – were all exchanged for ready money (Bresc, 1986, II, 856. Valentini, 1941). This policy had disastrous repercussions on the Maltese Islands when these, like their counterparts in Sicily, were pawned to Consalvo Monroy in 1420-21 for no

less than 30,000 florins. The reaction of the Maltese was to rebel against their new overlord and preferred to fork out of their own pockets the exorbitant sum paid for the islands in order to rid themselves of the oppressive presence and be reintegrated within the royal demanium. This meant that the Maltese had to produce – *di intra li ossa nostri* (from the very marrow of our bones) [15: VI.] – the equivalent of 4,500 *uncie*, a sum which amounted



Torre Cabrera, Pozzallo. The seat of Bernat Cabrera.

to more than the total tax exacted from the entire Kingdom of Sicily in 1434 and 1439 (Dalli, 2002, 152-5. Bisson, 1986, 142-4). Without disclosing his sources (probably the *Archivo de la Corona de Aragón*, Barcelona) Dalli asserts that the first signs of rebellion actually sprouted in Gozo in 1425 and only a year later spread to Malta (Dalli, 2006, 205). By March 1427 Alfonso had become alerted to the smouldering unrest in these islands. As a result of negotiations in the Spanish Court, as detailed in the *Capitula* of 1427 and 1429 [DSMH III/2: 5-7], these islands were again reannexed to the royal demanium with a solemn promise on the part of Alfonso never again to be separated therefrom and the significant concession to the islanders of the right to resist, even *manu forti*, any attempts by the monarch and his successors so to separate them.

Words come so easy, even if engraved on beautifully decorated diplomas on parchment! Within a decade another attempt was being made this time to pawn Gozo to a Sicilian magnate in 1440. But the *manu forti* clause came in very handy and when the threat to enforce it was brandished the aggressor had to climb down [DSMH II/2: 454].

But before this came about these islands hardly had time to breathe after the Monroy incident when yet another major disaster was to befall them. Already during Monroy's rule, in the first indiction [1423-24] the later *capitula* of May 1437 provide evidence of a Moorish attack on these islands [DSMH III/2: 13]. In retaliation, Alfonso's brother Pedro had led an expedition against Kerkenna in 1424, that triggered off further Hafsids aggression against Aragon (Luttrell, 1975, 51). This culminated in a massive onslaught in September 1429 on the Maltese Islands, the unprotected soft under-belly of the kingdom, that all but took the islands, pushing the attack to the very walls of Mdina and carrying off into slavery no less than 3,500 captives, a third of the entire population of these islands (Mifsud, 1918-19. Valentini, 1937). In particular, the *capitula* of 30 October 1432 speak of the *extrema paupertati et distrucioni ki havi patutu* [8: III] ... *per la vinuti dili Mori ... perdio sua bestiame per modu ki non si po siminari, et la insula e povira et distructa* [8: IV; 9: II]. The Gozitan retaliation to the attack is encapsulated in the valour of one person, Franciscus de Platamone of Gozo, noted for posterity when, for the wounds he suffered in the defence of his native



The Gozitan coastline near *Mġarr* harbour where King Alfonso's ship berthed on 20 September 1432.

island, he was made Captain of Gozo for the year 1431-32 [DSMH II/2: 292].

The King did respond positively, however, with a retaliatory attack on Jerba, an expedition which he led in person in 1432 (Cerone, 1909-10). The tit-for-tat appears to have worked and a period of a fairly stable truce was established [DSMH II/2: 409; 496]. From this time there surfaces an interesting document in the form of a letter that the King wrote to his Gozitan *Secretus* from on board his galley that was berthed in *Mġarr*, Gozo when, returning from Jerba, the King stopped for a short while in these islands in September of that year [DSMH II/2: 484].

The Moorish invasion was not the end of foreign aggression against these islands. There were also Christian aggressors to deal with, Genoese enemies of Aragon and Calabrian pirates who found these islands an easy target if not always a fat prey. The Maltese *capitula* of 1437 show that there was real fear of an impending Genoese attack. Maltese who happened to be abroad at the time were recalled and islanders were prohibited from leaving for fear

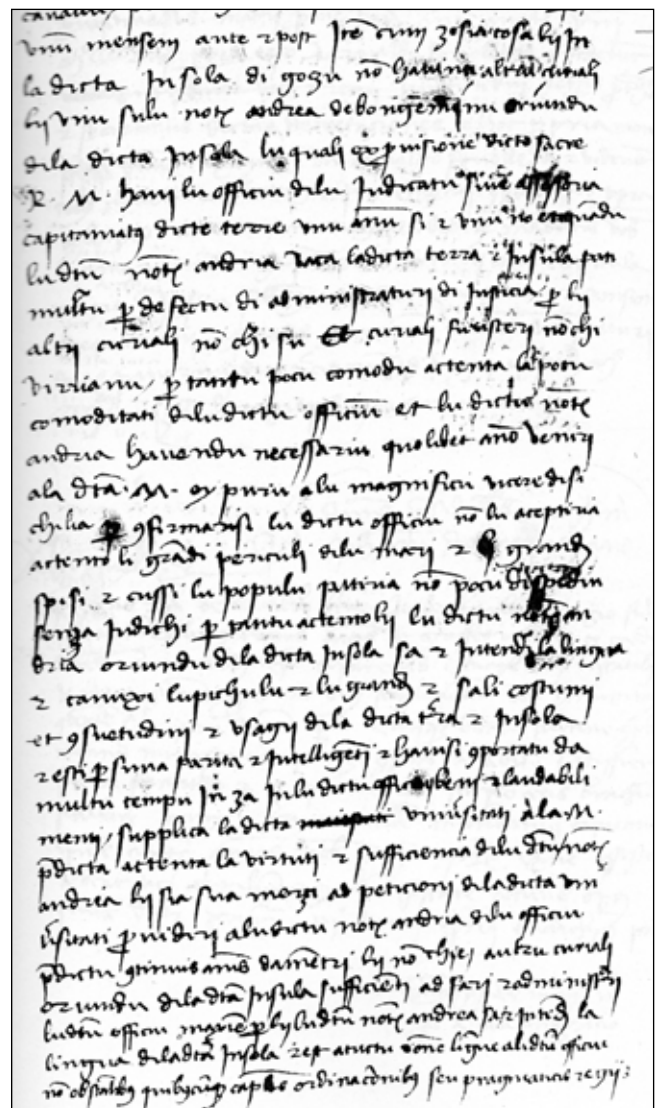
of weakening defences [13: VI, XV]. The Gozitan *capitula* of 1439 make much of their sufferings at the hands of both the Genoese enemies of the King – *regii inimichi maxime li Jenuyssi [ki] iza arripanu spissu* – [DSMH III/1: 18.] (Wettinger, 1993: 5, 23) and of Calabrian pirates who ransacked the island and carted away all their sea-craft, reducing the island to a near state of siege [15: II, IV]. This fear from the perils of the sea spurred the Ambassadors to petition repeatedly for a minimisation of forced travel abroad, especially for reasons connected to attendance at the *Magna Regia Curia* [11: VII-IX; 12: III].

The Lull After the Storm

In spite of this overarching preoccupation with security, Gozitan life somehow managed to show a semblance of normalcy as reflected in the *capitula* of 1443 presented to the Viceroy by Ambassador Cola de Algaria. Pleas were made for a decision to determine the size of a quorum for the Council meetings [18: II], and for a reduction of *ex gratia* appointments by the monarchy [18: III] that, with the foisting of royal favourites on the Council, nibbled away at the free democratic voice of Gozitan voters, keeping local aspirants out of the seat of decision-making. The protection of public rights, including that of free collection of firewood from public land, was also appealed to, and the old grouse that the population was still labouring under the last vestiges of serfdom – the *angaria* of unpaid forced labour on the Castle walls and the night-long vigils at the coast of the *mahras* – could hardly be suppressed [18: VI]. Nor would it have been natural not to make another heartfelt plea for a waiver from the regular *collecta* [18: IV]. This plea for a waiver on taxation figures again in the next set of Gozitan *capitula* which had to be presented in 1450 by the Augustinian Fra Matteo Zurki [20: V]. The reason backing this appeal was again the precarious state of the island's defences [20: III], and an attempt to obtain a remission for the 'municipal sin' of unilaterally whittling away 16 *uncie* for this purpose from those intended for the last *collecta* [20: IV]. The ever-present threat of an imminent Moorish invasion and the ruinous state of the island's defences are stressed at the outset: *havimu nova et informacioni viridica comu lu perfidu Moru Re di Tunisi fa grossa armata di quaranta fusti in susu contra quisti insoli et aminaza*

crudilimenti a quista insula [20: II] ... *li nostri mura su in maiori parte dirruppati et tristi et peyu di armi ... et per consequens havimu grandissimu terruri et pagura dila dicta armata* [20: III] (We have secure and reliable new information that the perfidious Moor, the King of Tunis, is preparing a formidable armada of forty and more galleys cruelly threatening these islands ... and our walls are in a ruinously sad state completely lacking in arms ... on account of which we are dead terrified of this armada).

The Gozitan *capitula* of four years later, presented by Joannes Urgelles, concentrate more on the day-to-day occurrences of the rhythm of life in Gozo,



Facsimile of ASP Real Cancellaria 90, f. 203 (14 May 1453). The fifth plea of the *capitula* presented by Gozitan Ambassador Joannes Urgelles to His Majesty King Alfonso requesting that Notary Andreas Benjamin be allowed to act as the Gozitan Captain's judge on successive years contrary to custom and this because he was the only qualified person on the island to serve: *Lu dictu Notari Andria esti oriundu dila dicta insula, sa et intendi la lingua et canuxi lu pichulu et lu grandi et sa li costumi, consuetudini et usanczi ... et esti persuna perita et intelligenti.*

seeking to find practical solutions to the hundred-and-one small problems that crop up naturally: What is the *Universitas* to do with two Moorish black slaves captured on landing at the coast by the islanders, and claiming that they were deserters from the enemy [24: II]? How is the *Universitas* to deal with several thieves and other miscreants who roam the island for having slipped through the wide-meshed net of existing legislation; how are they to be restrained [24: III]? Can the Gozitan Jewry be made to provide a horse for the defence of the island [24: IV]? ... and ... Can one make an exception to the established custom that no one is to remain in office on two consecutive years, in the case of Notary Andreas de Benjamin the Captain's Judge, for lack of other suitable candidates [24: V]?

On Resting on One's Laurels

It has been remarked in the first part of this contribution that, during the second half of the XV century, the presentation of *capitula* by the Gozitans was not much in evidence and that one reason for this may have been loss of interest by the existing oligarchy whose narrow concerns were, nonetheless, being well served (Fiorini, 2018: 1). Council remained dominated by a mere handful of homonymously-surnamed, well-ensconced individuals: the Platamone, the De Manuele, the Pontremoli, the Algaria, the Caxaro, the Riera, the Navarra, the Sahona, the Vagnolo and a few others [DSMH II/4: xxxv-xl, Tables I and IV]. The *capitula* constitute the best indictment of their selfishness. In the whole of fifty years down to the start of the XVI century the sum total of three requests was presented to the Viceroy by the Gozitan *Universitas*: (i) a plea that the King should provide a suitable person to fill the post of Island's Captain [29: I]; it should be noted that this request was made after the racket that had seen the Gozitan captaincy monopolised for decades by Francesco Platamone and Antonio Vagnolo had been stopped [DSMH II/2: xvii]; (ii) a plea for tax exemption in 1467 [29: II] when the Maltese islands were down on their knees from a period of prolonged drought (Fiorini, 2010); and (iii) a request in 1479 that foreigners should not be allowed to assume public office unless they had been domiciled on the island for many years; the response to this *capitulum* determined the period of continuous residence to be of five years [32: I].

The XVI Century Before 1530

With the turn of the century the situation was on the mend and improving. In 1507, the island received royal assent for a confirmation of all privileges that had been granted earlier by previous monarchs [40: I-VI]. In 1516, Ambassador Cola Calabachi, was successful in obtaining a curbing of molestation by the Captain-at-arms of the Gozitan officials and people [45: I-II]; a smooth transfer of the office of surgeon for Gozo from an ageing Joanni Martines to a much younger Bernardo Vincella [45: III]; a sanctioning of a tax on meat like what the Maltese *Universitas* had enjoyed for decades [45: IV]; and a tightening on exemptions from *māhras* duties that had had a very debilitating effect on the island's defence system [45: V]. In 1521 then, Ambassador Antonio Platamone consolidated these acquisitions when he obtained a confirmation from the new Viceroy Ettore Pignatelli of what the same Pignatelli had promised Platamone before his viceregal appointment, that is between 1516 and 1520. These *capitula* included a toning down of Commissioners' fees, a curbing of their extorsions, and an assurance of their suitability, including their being able to communicate through qualified interpreters using the language of the Gozitan people [47: I-II, IV]; an introduction of a method of shortlisting of candidates to public office [47: III]; and (again as had happened in Malta) leave to found a piece of artillery from melted-down, false copper coins [47: V], and a replacement for an absent bombardier [47: VII].

The Arrival of the Order

The year 1530 revolutionised the government that these islands had known for more than a century. All previous promises of perpetual annexation of these islands with the royal demanum were all thrown to the wind as Charles V ran roughshod over one and all in his determination to rid himself of the responsibility for these precarious islands and pass the baby into the lap of the Order of St John that was eagerly seeking a base for its activities. There were a few ineffectual initial mumblings against this tyrannical decision in the Maltese Council [DSMH III/3: xlvi-xlix]. We assume that something similar had taken place in Gozo, but we cannot be really sure about the Gozitan reactions as the corresponding records from Gozo have not survived. But come

1530 the population had acquiesced to this *fait accompli*. The local celebration with bonfires on the Eve of St John Baptist in June 1530 – so loved ever after by the Maltese – must have won over the locals’ hearts!

The Hospitallers had good reason to celebrate. Two days before the bonfires, the Order’s representatives and procurators, Fra Ugo de Copponis, *Drapperius* of the Order and Captain-General of its fleet, and Fra Joannes Bonifacius, Bailiff of Manosque and Receiver General of his Order, in the name of Grand Master Philippe de Vilhers Lisle Adam and of the whole Order, had concluded the ‘business’ of taking over the Maltese Islands, promising the islanders to respect all their customs and privileges. It appears that two distinct documents to this effect were drawn up, one for the *Universitas* of Malta and another for that of Gozo. The latter has survived and is registered in the acts of Notary Pinus Saliba, dated 21 June 1530. Appearing for the Gozitan *Universitas* were *quinque probi viri*, Paulus de li Nasi, *Capitaneus*, Franciscus de Plathamone, Matheus Rapa, Carceraldus Mompalao and Leonardus deli Nasi. As part of the deal, the Gozitan gentlemen even generously waived in favour of His Imperial Majesty the Gozitan contribution of two out of eleven parts of the sum of 30,000 florins which had been paid for the redemption of these islands from the hands of Monroy and which the reigning monarch had to pay back should he go back on his word and alienate these islands once more from the royal demanium, as he was now doing [National Library of Malta [NLM] Lib. MS. 670, ff. 83rv]. It is not clear where this obligation on the part of the king to reimburse the 30,000 florins is documented. Certainly, no such clause exists in the deed of reannexation of the islands to the royal demanium of 3 January 1428 [DSMH II/2: 245].

It appears that the local authorities did not rely on the Commissioners’ promises but wanted to hear the confirmation of their privileges from the horse’s mouth. A delegation proceeded to Syracuse to have the Grand Master himself sign a declaration to this effect on 16 July 1530 [NLM Univ. 9, ff. 293-294v]. The representatives were Paulus de Nasis and Joannes Calavà whose brief was *per congratularsi seco per la concessione di Malta alla Religione et a riconoscerlo per loro nuovo signore, tutti privilegii ed immunitati dell’Università*. It is not known

how and whether the Gozitan *Universitas* was represented. On 1 September 1530, the document was presented by Notary Julius Cumbo to Nicolaus Saguna and Bernardus Cassar, two of the Jurats of Malta; this does not exclude a similar presentation to the Gozitan *Universitas* which is now lost.

Up to this juncture, the *capitula* are completely silent. But when L’Isle Adam stepped on these islands on 26 October 1530, both *Universitates* made it a point to present themselves to him personally and obtain afresh (in spite of the Syracuse document of 16 July) from his hand detailed written confirmation, in the form of *capitula*, of what his commissioners had already promised them. There have survived various drafts of what the Maltese and Gozitan ambassadors wanted to request from L’Isle Adam [DSMH III/2: 50-53], but no copy with his responses survives. It looks very likely that the attempts at presenting them were many but precious little actually transpired. These draft *capitula* show what the aspirations of the Maltese and Gozitans were at this time and how their way of thinking and acting had not changed, not even now that the situation had metamorphosed completely.

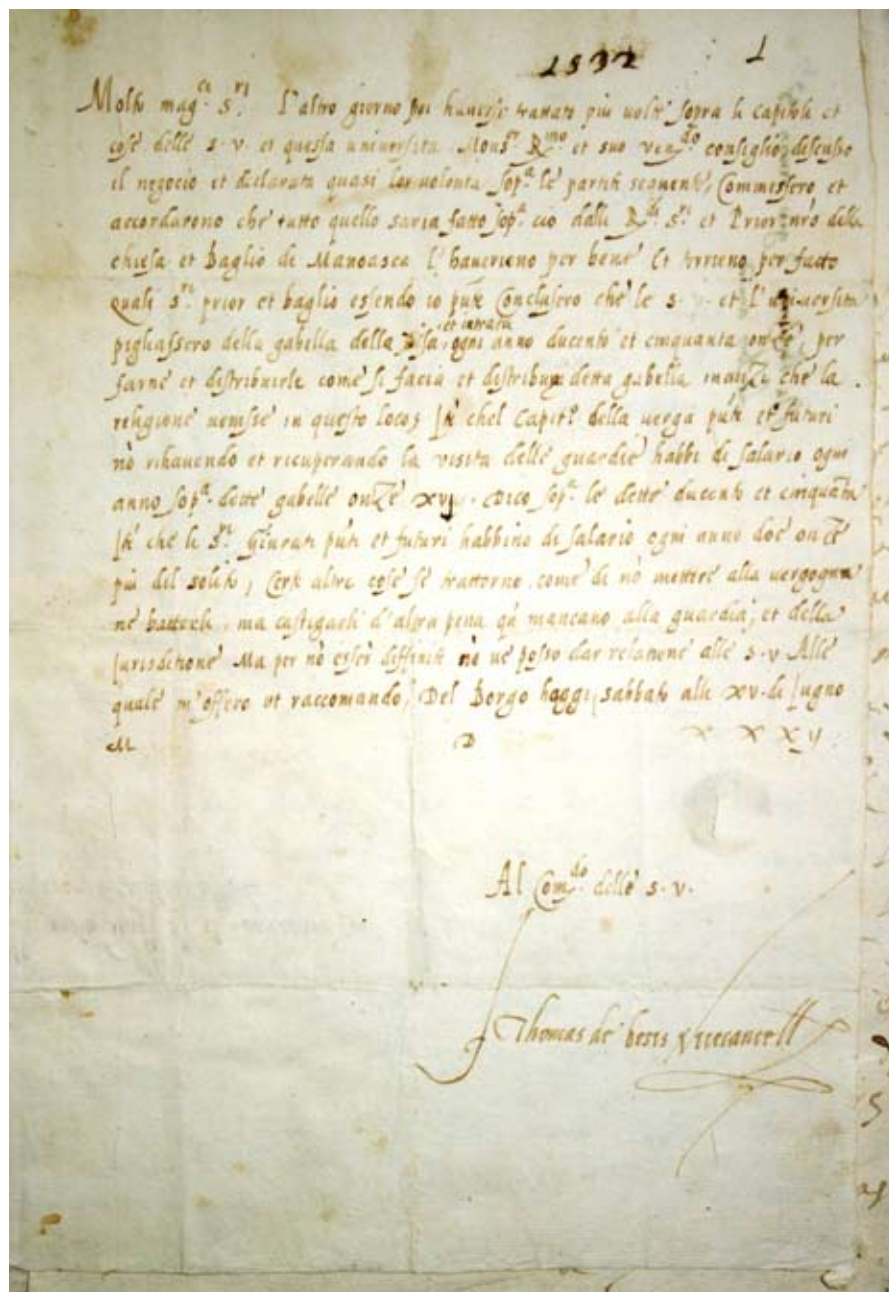
The Gozitan *Universitas* was very quick to react and had actually already prepared a draft set of *capitula* by 11 July 1530 [DSMH III/2: 50], when L’Isle Adam was not yet on the island, but the fact that, very soon afterwards, within the year, these were re-written [DSMH III/2: 52] leads one to think that more mature judgement (or less) had prevailed. Even if these later *capitula* were, likewise and in all probability, never presented, it is worth looking into them to understand the *mens* of the Gozitans behind them. Both sets start with the usual preamble [50: I; 52: I] recommending the *Universitas* and the people to the Grand Master. They also both request the Grand Master to free the people of the burden (*angaria*) of the *maħras* and work on the *maramma* of the Citadel [50: V; 52: III]. They also both treat the usual issues of procurement of wheat for the people [50: IV, VI; 52: XIII]. The third *capitulum* of 1530 [50: III] that aims at ensuring that the Gozitan Captain and his Judge retain their time-honoured rights to *merum et mixtum imperium et gladii potestas*, is reworded in the later set as a plea for the present and future Governors of the Order not to interfere in the running of the Gozitan courts [52: IV] and certain requests concerning the organisation

and running of the courts [52: VIII-X]. The blanket original second capitulum requesting preservation and ratification of all previous *capitula*, privileges and preeminences of the Gozitans [50: II] – the *raison d'être* of the intended embassy – disappears altogether, and is replaced by the only concern of the later Jurats, namely that of continuing to syndicate the Captain and his Judge themselves [52: XII].

Further to these, a number of other interesting requests were made, quite a few of which were shared by the contemporary list of pleas of the Maltese *Universitas* [DSMH III/2: 51], datable to July-September indiction III [1529-30]). These include, (i) freedom of travel in and out of the island [52: XI; 51: IV], already hinting at and anticipating the refusal of certain families, both in Malta and in

Gozo, to continue to live under the Order, as in fact was already happening (Fiorini, 1993: 14); (ii) the right for suitable Maltese and Gozitans to become members of the Order in the Langue of Italy [52: II; 51: II]; (iii) a general amnesty from most crimes committed in the past according to the established custom of Princes on assumption of office [52: V; 51: V]; and (iv) a waiver from the payment of the *canuni* on crown lands now devolving to the Order [52: VII], in exchange for which the Maltese *Universitas* offered to present to the Grand Master a peacock every year [51: VI]. (Isn't receiving a peacock as a gift at least as prestigious as receiving a falcon?) The Gozitans also requested a remission from the payment of tithes [52: VII] and from *censuali minuti* [52: VI]; they wanted no new *angarie* to be imposed on the people [51: III], and reiterated their protection of the Maltese clergy against the foisting of foreigners on the local Church by the Bishop [51: VIII].

The timing and the content of these two sets of draft *capitula* hint at close collaboration between both *Universitates*. Essentially, they were both requesting an exemption from as many burdens as possible and, otherwise, to retain the status quo as they had been doing for a long time, still adducing in their claims the *Constitutiones et Capitula Regni* [53: XI, IV], oblivious of the fact that the new masters now had absolute control. By now it was already a question of survival. The Maltese and Gozitan vain aspirations to knighthoods had quickly evaporated into thin air. Within the first few months the Grand Master's intentions that he was going to run the island as he



Facsimile of NLM Univ. 6, f. 1 (15 June 1532). The terse reply of the Order of St John, over the signature of Fra Thomas Bosio, to the requests of the Maltese and Gozitan *Universitates* pleading for the preservation of their rights and privileges.

pleased and without any interference from anyone were patently clear to all. In a council meeting held on 8 June 1531 the Maltese Jurats expressed their wrath, wanting to protest to L'Isle Adam that he had no right to act as he was wont to do in Rhodes, riding roughshod over all and sundry and, in particular, usurping unto himself the right of dictating regulations governing the running of the watch, in flagrant violation of all of his commissioners', and his own, sworn promises; a letter of protest was drafted by the Jurats [DSMH III/3: 1148]. Over the next few years, there were several protests by the Maltese *Universitas* against the Grand Master's highhanded approach in this and several other issues [DSMH III/2, lxxi-lxxiii]. We can only speculate about similar bones of contention concerning Gozo, but there is no way of proving it, short of the resurfacing of lost Gozitan documentation. This was the beginning of the end of municipal autonomy.

As stated, neither *Universitas* is known to have actually sent its ambassadors with these requests. The reason why becomes obvious from the last set of *capitula* of ca. February 1532 [DSMH III/2: 53]. Although no version of the 1532 *capitula* that included the Grand Master's responses appears to have survived (if it ever existed), it is clear that they were presented and some sort of reaction was given via a letter, dated 15 June 1532, over the signature of Fra Thomas Bosio (later Bishop of Malta but then only Vice Chancellor of the Order) to the Jurats [NLM Univ. 6, f. 1, and Univ. 9, ff. 301rv]. It is very dismissive of the real problems that needed to be tackled concerning the watch, jurisdiction over the parishes and other issues, trying to fob off the requests by a cheap offer of filthy lucre for the officials personally [DSMH III/2: 53].

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