DE UXORE PROXIMA FUTURA MAGISTRI
HIERONYMI CASSAR: NEW LIGHT ON
GIROLAMO CASSAR’S IMMEDIATE FAMILY

Joan Abela

The history of matrimony has a longer medieval period than is conventionally known. This is because it was only as late as 1563, virtually in the concluding sessions of the Council of Trent, that the Catholic Church established new rules regulating nuptials. The history of Catholic marriage can be divided into two main periods, one preceding the Council of Trent, and the other which began with the sitting of the same Council on 11 November 1563 (Sess. XXIV). The laws of marriage were fundamentally changed at the end of this Council with the promulgation of the famous Tametsi decree which sought to exercise tighter control of the church. Amongst other things, as a result of Trent the Catholic Church proclaimed that the validity of a marriage depended on a public ceremony before a priest and two or more witnesses, accompanied by a written entry in a parish register. It also gave full recognition to previously contracted clandestine marriages which were celebrated with the consent of the contracting parties and reaffirmed the validity of those marriages which did not have the parents’ consent.¹

The proceedings of matrimonial disputes deposited at the Cathedral Archives, Mdina, prior to 1563, contain much detail which highlights the complexity of a situation wherein the Church had not yet acquired full and exclusive jurisdiction over the laws and customs regulating the matrimonial bond. Through these proceedings detailed accounts of litigations and requests for marriage annulments are brought to us directly from both the main protagonists, as well as from the testimony of eyewitneses. Sometimes these are supplemented by legal documents, such as marriage contracts, which were drawn up by the spouses in front of the notary to ensure that their respective interests were protected. The documents presented for discussion in this paper pertain to the year 1560,² and offer novel and intimately personal documentary evidence on the private life of a distinct personality, whose name is synonymous with the foundation and building of Valletta – Girolamo Cassar.

Girolamo Cassar was responsible for the design and construction of the different auberges built in the new city of Valletta. He also supervised the construction of

¹. N. Tamassia, La Famiglia Italiana Nei Secoli Decimoquinto e Decimosesto, Rome 1971,150-95.
². I wish to thank Mr. Charles Dalli and Fr. George Aquilina, OFM for their assistance in the transcription of the documents.
NEW LIGHT ON GIROLAMO CASSAR'S IMMEDIATE FAMILY

of their relationship.  Of particular relevance to this study is Girolamo's participation earlier on in his career in the Djerba campaign. The Christian fleet landed at Djerba on the 15th of February 1560. The Order's fleet joined that of the Viceroy of Sicily, and was accompanied by three Maltese vessels which carried on board several Maltese guastatori, carpenters and two blacksmiths. According to the Order's historian Giacomo Bosio, Girolamo was the Capo Mastro of this work force.

The year 1560 must have proved to be quite hectic for Girolamo. Archival sources deposited at the Mdina Cathedral Archives reveal that during this year, more precisely on the 5th of June, he was summoned to appear before the Judge of the Episcopal Court, together with Isabella del Torres, who was the daughter of the late Alfonso del Torres. Their presence was requested in view of a petition which was put forward by Isabella's lawyer, Alessandro Bonavita, in order to annul a promise of marriage which the couple had privately exchanged at an earlier stage.


4. Ganado, 228.

5. A promise of marriage (better known as the betrothal), carried anambiguous meaning since it could be subject to certain conditions which ultimately made it volatile. Prior to the Council of Trent betrothal and marriage were not always distinct from each other and pre-marital sex was often considered a preliminary step leading to marriage. Quite wisely before entering into a carnal relationship, many women sought to obtain a promise of marriage from their suitor. Society seemed to have been more permissive allowing intercourse prior to marriage, although this was not always the case. The Council of Trent regulated this issue, clearly distinguishing betrothal from marriage and insisted that betrothed couples abstain from sexual intercourse until they had received ecclesiastical blessing for their union by means of a valid marriage. S. Seidel Menchi, S. Quaglioni, D. eds, Matrimoni in dubbio - Unioni contratte e nozze clandestine in Italia dal XIV al XVIII secolo, Bologna 2001, 222-8, 376. C. Cassar, Daughters of Eve, Women, Gender Roles, and the Impact of the Council of Trent in Catholic Malta, Malta 2002, 12. On the theme of the promise of marriage refer to D. Lombardi, 'Fidanzamenti e matrimoni dal Concilio di Trento alle riforme settecentesche', in eds. De Giorgio and C. Klapish-Zuber, Storia del matrimonio, Rome – Bari 1996, 215-50, D. Lombardi, Matrimoni di unico regime (Annali dell'Istituto storico italiano germanico di Trento, Monografie, 34), Bologna, 2001.

6. Magnificus Iaino de Perno, a fiscal officer at the Curia, was given the task of informing Cassar about the case and Antonius Theobaldo, described as being erario della corte had the task of informing Isabella - as per marginal and end note found in CEM MS 40, 1560, f. 199, f. 341v. The Comun Erario was the institution which received deposits regarding legal cases. The word erario derives from Aerrarium, luogo dove si deposita il denaro pubblico, however, it could also mean the messenger of the Court or Inquisition etc. c.g. 'La corte per mezzo del suo erario ha affisso il suo decreto alla porta dell'accusato'. Thanks are due to Fr. George Aquilina, OFM for this information.

7. CEM, AO MS 40, (v.1560), f. 199.

8. Here the lawyer emphasizes that she actually never did so, 'come mai quello ha dato ne prestato'.

9. Ever since the policy of Pope Alexander III's (1159-1189) consent theory of marriage, the Church only deemed necessary the consent of the bride and groom for a union to be valid. Alexander III's authoritative decisions fixed the principle that consent makes a marriage (matrimonium ratum), but that on the other hand only a consummated marriage between a baptised couple is indissoluble (matrimonium consummatum). This issue is to be seen in the light of the fact that a marriage agreement, like any other contract, carried with it specific conditions, like for example the virginity of the bride. C. Donahue, 'The Policy of Alexander the Third's Consent Theory of Marriage', in ed. S. Kottner, Proceedings of the Fourth International Congress of Medieval Canon Law (Monumenta Juris Canonicis, CS), Vatican City 1976, 251-81. Frances Gies & Joseph Gies, Marriage and Family in the Middle Ages, 1st edn, New York 1987, 139-40. The Fourth Lateran Council of 1215 declared it obligatory for a marriage to be blessed and witnessed by a priest. Moreover, the Council also stated that banns had to be published. E. Ennen, The Medieval Woman, Oxford 1980, 105. At the same time however, and in a rather contradictory manner, the Church continued to recognize as valid marriages entered into without a priest in attendance. T. S. Kistli, Medieval and Renaissance Marriage: Theory and Customs. (http://www.driazle.com/~ceyl/mrw/mrwed.html).
grant Isabella this annulment she was disposed to join a nunnery in Syracuse.10

10. The monasteries which existed in Syracuse at this time were those of: S. Maria della Concezione (founded 1195), and which later in 1402 absorbed that of S. Margherita (1393); Monastero di San Benedetto (1365); Monastero di S. Chiara (1338); Monastero di S. Lucia (1483); Monastero dell’Annunziata (1404); and the Monastero di Araceli (1559). P. Magnano, Memorie storiche, Cronaca e Memorie inedita dei fratelli A. & S. Privitera con l’aggiunta di una officinaria in onore di S. Lucia (1854) e di altri documenti, Syracuse 1980, 175-176. It is interesting to note that in 1568, in addition to the Monastero di Araceli, the Franciscan Order founded the Monastero S. Croce. This monastery was intended to house women who were described as convertites, repentite, and nulli maritate. G. Aquilina, OSF, In-Servijis Gerusolimitani, ii-Knigia i i-Monastero to’ Sant’Ursola Valletta, Malta 2004, 57-8; Magnano, 176. This scope of this type of nunnery was to receive repentant prostitutes or those women who were at risk of losing their honour, these included orphans, poor unmarried women, widows or whose marriage was not successful, (thus nulli maritate). Cassar 2002, 193-6.

Fig. 1. A contract reflecting pre-tridentine customs, wherein the notary is claiming that the betrothed couple, namely Imperia Callus from Zunrieq and Giuliano Canqui from Hal-Kbir, had already consummated the marriage prior to formally legalising their union.

The bride’s father is hereby giving his consent to this union.

(NAV, Notary Placido Abela, R 4/1, (15.xi.1557), l.39v).

The following day, Isabella, represented by her relative Josephus Ferrara,11 appeared before the notary of the Curia, and confirmed that she was in agreement with all that had been stated by her lawyer.12 On 8 June the Court endeavoured to establish whether this couple had ever been legally and/or physically committed. For this reason the documents record the testimony of a certain Santorius Vella, who is described as being a fiscal officer at the Curia. Vella in his deposition stated that, after having made an inquiry regarding the case, relatives from both sides, under oath declared, that they were not aware of either a formal contract of marriage being drawn up, or of the consummation of the marriage by the couple. Before the adjournment of the hearing, Girolamo personally asserted that so far he was in agreement with Isabella’s testimony.13

The hearing continued in the following days, and after the umpteenth declaration from both sides that the promise of marriage was not in conformity with the Church’s teaching, on the 12th June it was time for Girolamo’s brothers to testify.

11. A woman was generally represented by a munusdala in legal cases. The munusdala was a legally competent male who acted as a protector or guardian of the woman’s interests. J. Sciberras, Women in Early Sixteenth-Century Malta, Unpublished MA Dissertation, University of Malta, 2004, 129-32.

12. Antonius Theobaldo together with Nobilis Francescos Benfrisivala were witnesses at this hearing.

13. CEM, AO MS 40 (viii.vi.1560), f. 200, f.342. The personal testimony of Girolamo during this trial which is documented as being given as early as 8th June, could mean that Cassar might have managed to escape from Djerba with the few Hospitaller galleys that managed to extricate themselves from the predicament some time in May 1560. The fort which the Christian force built there was only completed around 6th May, so presumably Cassar would still have been involved in supervising the Maltese ‘sappers’ involved in its construction. News that the Turkish fleet had been sighted off Gozo reached the Christian force on 10th May, and apparently produced instant chaos among them. According to an eyewitness account, extracts of which are reproduced by J. F. Guilmarin, the Turkish fleet did in fact appear soon after and wrought havoc among the Christian fleet since, “The Pasha... made sail and began to pursue the Christians’ fleet and brought it to ruin without striking a blow.” The damage was severe, and among the galleys only those of Malta, Cigala, and perhaps half a dozen others managed to get away. J. F. Guilmarin, Gunpower and Galleys, Changing Technology and Mediterranean Warfare at Sea in the 16th Century, Cambridge 2003, 142-3. If this was the case, it would imply that Cassar missed out on the defence and siege of Djerba which ended with the surrender of the Imperial garrison on the 31st July 1560. Consequently, Cassar would have acquired very limited experience as a military engineer, which he could have made use of later on during the Great Siege in 1565. This hypothesis has already been put forward by Dr. Stephen Spiteri, who states that, “At the time of the Siege... Cassar appears to have been but a young capomastro, and only one of a number of sappers employed in the repair and modification of the fortifications. The person heading and directing the military engineering aspects of the fighting [in 1565] was... the Italian Evangelista Menga da Brindisi”. S.C. Spiteri, The Great Siege, Knights vs Turks MLDXLV, Malta 2005, 358.
Interestingly enough, these were introduced as *Honorable viri Magister Andreas* et *Magister Ianus* [Iohannes?] *Cassar fratres prefavser Magister Hieronymus*. The mention of Iohannes as being brother to the architect is of particular significance to the historian, since to date historical inquiry of primary sources has only revealed that Girolamo had one brother, Andrea. According to Bosio, Andrea was a *Bombardiero molto eccellente, e molto coraggioso, et ardito*. The mention of his brother Iohannes as a witness in this trial therefore throws intriguing new light on Cassar’s immediate family history.

Both of Girolamo’s brothers declared under oath that they were not aware of any form of legally binding contract, and that according to their knowledge, the marriage had never been consummated since Isabella’s father had insisted that the physical union was to take place after Girolamo returned from his expedition to Djerba. Isabella’s lawyer requested the court to end this trial by officially declaring that there existed no bond between the two. To this effect, both Isabella and Girolamo reiterated that there was no basis for considering this as a valid marriage.

14. Surviving notarial acts provide us with interesting details regarding Andrea’s private life. In 1569 he bought a plot of land in Valletta in Block 23 in Strada del Popolo (the present Archbishop Street) corner with Strada St. Petri (at present St. Ursula Street), and the plot measured 30 cases. NAV. R 4/1, ff. 103-103, (8.viii.1569). In January 1593 he drew up his will making use of the services of Notary Giovanni Simone De Lucia, NAV R 229/4, ff. 66-67v, (23.i.1593). In this will he stated that he was a resident of Senglea and he appointed his wife Isabella (née Vassallo) as his universal heir. He also left a legacy to the altar of St. Joseph at the Parish Church of Senglea, which altar he founded in an earlier act pertaining to Notary Giacomo Sillato dated 2 March 1589. A codicil dated 5 July 1600 is found in the record of notary De Lucia, R 229/13, ff. 664-666, (5.vii.1600).

15. This seems to be an abbreviated version of the name Johannes.

16. Refer to Ganado, 228, fn. 4, wherein the author states that according to Sanniniastelli Zabarella (1777) Girolamo had another brother, named Paolo, who was a military engineer. Ganado however also affirms that this claim could be unfounded since its source is not known.

17. Granado, 228, fn. 4.

18. Once again this is a clear reference to the badly planned counter-offensive which Philip II attempted in North Africa in 1560 - the Djerba campaign. The chosen objective was intended to be Tripoli and the squadron of ninety strong vessels which were assembled in the late summer of 1559 at Messina, ultimately reached Malta on 26 December 1559. However it was forced to spend most of the winter on the island due to bad weather. An eyewitness account originally written in Italian, covering events from the 10th May to the surrender of the Imperial garrison on the 31st July, was later translated into Spanish by Navarrete’s compilers in the eighteenth century. Entitled ‘Relación breve y verdadera del Jornada de Las Gelves desde el día que arribo el Armada Turquesca hasta quell fuerte fue tomado por los Turcos...’ it is in the Colección Navarrete vol IV, dto. 13, fol. 134-143. According to J. F. Guilmartin this detailed account is quite accurate. Guilmartin, 137-148, fn.6, F. Braudel, _The Mediterranean and the Mediterranean World in the Age of Philip II_, Vols. 1 and 2, [trans. S. Reynolds], University of California Press 1995, 855.

The case continued to unfold when on the 21st June, the Court finally arrived at its verdict and decreed that Isabella was free to join a monastery in Syracuse as was her wish. This ruling was however tied to a particular condition which stipulated that, after the lapse of three months Isabella was to refer back to Girolamo and inform him whether she intended to remain at the monastery, or if she was willing to marry him. Girolamo was rather frustrated by this sentence since he deemed it unjust to have to wait for three months to know whether the betrothal was dissolved or not. Thus on the 24th June he presented an appeal before the Court wherein he asked for a reconsideration of the sentence so that he may be released from what he termed as ‘fastidio circa questo negotio’. On the 6th July, Girolamo, represented by his lawyer Antonio Bonello, requested the court to give Isabella six days in order to reply to the appeal. A note in the following folio dated 7 July and signed by Angelo Manduca Notary of the Episcopal Court, informs us that the court accepted his appeal and granted Isabella four days to put forward her claims.

19. CEM, AO MS 40, (21.vi.1540), f. 344
20. Ibid (24.vi.1560), f. 344v. The appeal is found in f. 337r-v.
22. Ibid (10.vii.1560), f. 346.
23. CEM, AO MS 40, (10.vii.1560), f.346.
NEW LIGHT ON GIROLAMO CASSAR’S IMMEDIATE FAMILY

From his marriage to Mathia, Girolamo fathered five children, Vittorio, Gabrielle, Marietta, Battistina and Caterinella. The exact date of birth of his children has still not been established, however, once again this document brings to light certain historical inaccuracies which have been propagated throughout the years due to insufficient evidence. The year 1550 has hitherto been proposed as the year of birth of Vittorio. As already stated above, Girolamo’s marriage to Mathia must have been celebrated well after this date, making Vittorio at least ten years younger than is generally assumed. One must also add however that such assumptions were presumably based on the uncertain date of birth of his father.

From the acts of Notary Francesco Imbrol we learn that the Cassars lived in a corner house in Valletta in quartier XXXI in angulo seu canton ex ortis in strata S. P. Petri, ab aquilone seu gregale est strata Pia.

30. Vittorio (158 – 1609) was admitted to the rank of ‘Fra serviente nell’Ordine’ in the Priory of Castille and Leon. G. F. Abela, Della descritzione di Malta, Malta 1647, 474. He seems to have been the favourite child and was given preference in Girolamo’s wills. Mangion, 197. He was also an architect and a military engineer, however, unlike his father, he has failed to attract sufficient scholarly appreciation.


32. Marietta, twice widowed was first married to Niccolò Andrea Pace, then to Angelo Pace (1593) and finally to Natale Rizzo from Modica in Sicily, Ganado, 227-228. The deed of her last marriage is found in the records of Notary Giorgio Zezino NAV R 5088, ff. 701-704. (13.iv.1595 ). A marginal note in this deed dated 9 April 1597 states that Marietta was eighteen years of age at the time.

33. Battistina was married to Antonio Abela, Ganado, 227.

34. Caterinella was married to Notary Ambrogio Pace. Her last will is found in the records of Notary Tommaso Agius, NAV, R 119, (29.i.1644 ), ff. 599-605.


36. Mathia’s last will is found in NAV R/229, Notary Simone Giovanni De Lucia, ff. 944-949, (14. v.1615). According to the death registers of the Parish of Porto Salvo in Valletta Mathia died just one day after drawing up her will, that is on the 15th May 1615. Mangion, 199.
Fig. 4. Extract from the will of Girolamo Cassar, wherein he is declaring that Mathia, his wife, was to inherit their house which consisted of five rooms with a yard and a well.

(NAV, Notary Francesco Imbroll, R 316/2, (8.iii.1583), f. 306v).

Besides the above-mentioned five children however, Girolamo had another natural son named Gio. Domenico, whom he acknowledged in a will dated 1583. A second will drawn up five years later on 9 January 1588 informs us that Girolamo found it fit to disinherit Gio. Domenico since, in Girolamo's own words, this child was "semper inobedientem et rebellem".

40. According to the classic legal terminology, natural children were those born out of wedlock from persons amongst whom there could have been a marriage bond, however, in colloquial terminology this extended its meaning to include children born from incest or adulterous affairs. These offspring were not to be confused however with other children who were of a different colour. At times illegitimate children received paternal recognition in their father's will. Refer to text by Sanuto, "Tale chiamato nel testamento "fidel natural" (non legittimato quindici, ma soltanto riconosciuto), Marino Sanuto. I Diari, Venezia 1879 and following, XXVII, 242, 1519, as quoted in Tamassia, 229.

41. NAV, R 316/2, Notary Francesco Imbroll, ff. 305v-69. (8.iii.1583). Gio Domenico was to inherit the sum of 20 scudi at the rate of 12.5 per scudo. However, this sum was to be paid to him on his 25th birthday, R 316/2, f. 307v, (8.iii.1583).

42. NAV, R 504, Notary Enrico Zarb, f.532-532v, (9.1.1588). It seems that even his half-brother Vittorio had a difficult temperament and was often involved in quarrels which led to criminal offences. In one instance Vittorio was convicted of having used stones to hammer upon the bedroom windows of Fra' Emmerude de Carnerio's residence and of having beaten his domestic servant. This offence earned him six months imprisonment at Castel St. Angelo, and on another occasion he was found guilty of having wounded his maternal uncle Braddano Cassar. In 1601 Vittorio was also accused of possessing prohibited books, and in 1605 for the use of magic spells. Mallia-Milanes, 249. Bonello, 55-60. C. Cassar, Witchcraft, Sorcery and the Inquisition, Malta 1996, 65 et seq.

43. If Gio. Domenico was conceived around the year 1560, this being the same date of this matrimonial dispute, this would make him less than 25 years of age in 1583, the date in which Girolamo recognised him as his natural son and stipulated that he was to benefit from his inheritance on reaching 25. Research carried out at the Birgu Parish Archives, wherein the baptism records of the years 1558-60 were analysed, did not provide any record of Gio. Domenico's birth.

44. CEM, AO MS 40, f.199.