

Translation of the Deed of Donation of the Maltese Islands to the Order of Saint John of Jerusalem by the Holy Roman Emperor Charles V

Introduction by Louis Mendola

Be it the Magna Carta or the American Declaration of Independence, a single inspired charter can change the course of history, and this can certainly be said of the one issued by Charles V, called by one historian “Europe’s Last Medieval Emperor,” in a small town near Bologna on a Spring day in 1530. Truth be told, the powerful monarch’s generosity was rooted at least as much in the need to defend his Mediterranean dominions from marauding pirates and expansionist Turks as in any sympathy toward the knights of Saint John. That the deed of donation facilitated administration of Malta, and protection of a large part of the central Mediterranean, for the better part of three centuries is in itself remarkable. A number of historians have set out to describe the geopolitical conditions and pragmatic motives behind Charles V’s donation of Malta, until then part of the Kingdom of Sicily, to the Order of Saint John, along with Tripoli. Among those studies published in recent years, that of the erudite Victor Mallia Milanese stands out for its clarity and balance.

Like many European documents of its time, the Deed of Donation of Malta to the Order of Saint John was issued in Latin, and there exist today published translations into Italian, French and English. As regards the last, Porter’s text, published in 1858 (and hence now in the public domain), is the best known, and it is the basis for what follows here. However, in comparing this to the original Latin, it was necessary to make a few minor changes in phraseology and specific wording; these were “substantial” rather than merely stylistic, as every attempt was made to retain the style of the earlier translation to the extent that it was consistent with what one might reasonably expect of a sixteenth century charter. Some of Porter’s passages were indeed the fruit of nineteenth-century, quasi-protestant writing (therefore “Christian community” rather than “Christendom”). Others were simply erroneous: “hawk or falcon” where the Latin explicitly states simply “falcon.” Comparison was also made to the French and Italian translations. It was decided, for example, that the term “portulano” was best Anglicised rather than “translated” or described outright, as it referred to a specific office and profession (involving port administration but also cartography and other functions) in the Italian states, France and the Iberian countries. For ease of reference, paragraphs have been defined here to enhance legibility, as the original was essentially a single, very lengthy paragraph separated into a few sections retained here. At all events it should be borne in mind that the primary source reference, especially for scholarly purposes pertaining to the text itself, is the Latin transcription.

Additional historical material, including Professor Milanese’s treatise, is available online at www.regalis.com/stjohn.htm

Deed of Donation of the Maltese Islands to the Order of Saint John of Jerusalem by the Emperor Charles V in 1530

WE CHARLES V, by the clemency of the Divine Favour ever Augustus, Emperor of the Romans; Joanna his mother, and the same Charles being, by the Grace of God Monarchs of Castile, Aragon, the Two Sicilies, Jerusalem, Hungary, Dalmatia, Croatia, Leòn, Navarre, Granada, Toledo, Valencia, Gallicia, Majorca, Seville, Sardinia, Cordoba, Corsica, Murcia, Algarve, Algeria, Gibraltar, the Canary Islands; also the Islands and Continent of India and of the Oceans; Archduke of Austria, Duke of Burgundy and of Brabant; Count of Barcelona, of Flanders and of Tyrol, Lord of Biscay and of Molina, Duke of Athens and of Neopatria; Count of Rousillon and of Catalonia, Marquis of La Mancha and of Ghent:

WITH the restoration and establishment of the Convent, Order and Religion of the Hospital of Saint John of Jerusalem; and so that the Very Reverend and Venerable, and much beloved, the Grand

Master, the Priors, Bailiffs, Preceptors and Knights of the said Order, who, having been expelled from the island of Rhodes by the Turks, who occupied that island following a protracted and violent siege, have wandered for several years, should at length obtain a fixed Residence, and there should once more return to those duties for the benefit of Christendom which appertain to their Religion; and should diligently exert their strength and their arms against the perfidious enemies of the Christian religion; moved by the devotion, and actuated by the same spirit which has allied us to the Order, we have determined upon granting a fixed home to the above mentioned Grand Master and Order, that they should no longer be compelled to wander about the world; by the tenor of this our present Charter, firmly valid for all future times; through our certain knowledge, and royal authority and deliberation; and with special design for ourselves, our heirs and successors who ascend the throne; we grant, and of our liberality we bountifully bestow upon the aforesaid Very Reverend Grand Master of the Religion and Order of Saint John of Jerusalem, in feudal perpetuity, noble, free and unencumbered, our cities, castles, places and islands of Tripoli, Malta and Gozo, with all their cities, castles, places and island territories; with pure and mixed jurisdiction, right, and property of useful government; with power of life and death over males and females residing within their limits, and with the laws, constitutions, and rights now existing amongst the inhabitants; together with all other laws and rights, exemptions, privileges, revenues and other immunities whatsoever; so that they may hereafter hold them in feudal tenure from us, as Kings of both Sicilies, and from our successors in the same kingdom, reigning at the time, under the sole payment of a falcon; which every year, on the Feast of All Saints, shall be presented by the person or persons duly authorised for that purpose, into the hands of the Viceroy or President, who may at that time be administering the government, in sign and recognition of feudal tenure; and having made that payment, they shall remain exempt and free from all other service claimable by law, and by custom performed by feudal vassals.

The investiture of which feudal tenure, however, shall be renewed in every case of a new succession, and completed according to the dispositions of common law, and the Grand Master pro tempore, for himself and the above mentioned Order generally in this recognition and investiture, shall be bound to pledge that from the said cities, castles, or places, and islands, he will not permit loss, or prejudice, or injury, to be perpetrated against us, or our kingdoms and lordships above named, or those of our successors in the said kingdoms, either by sea or by land, nor will offer assistance or favour to those inflicting such injuries, or desirous of inflicting them; but rather shall strive to avert the same with all their power.

If anyone arraigned of a capital crime, or accused of any similar offence, shall escape from the Kingdom of Sicily, and shall take refuge in these islands, and their allied feudatories, if they shall be requested on the part of the Viceroy, or of the Governor, or the Ministers of Justice of the said Kingdom, they shall be bound to expel such fugitive or fugitives, and to deport them far away from their island, with the exception of those accused of treason or of heresy, whom they shall not eject but, at the requisition of the Viceroy or his lieutenant, shall take prisoners and remand them to custody of the Viceroy or Governor.

To ensure that nomination to the episcopal see of Malta remain as it is presently, in our gift and presentation, and in that of our successors as Kings of Sicily, we therefore decree that after the death of our Reverend and Beloved Councillor, Balthasar de Vualtkirk, our Imperial Vice-Chancellor, of late nominated by us to that diocese, as likewise in the case of every subsequent vacancy occurring hereafter, the Grand Master and the Convent of the Order shall nominate to the Viceroy of Sicily three persons of the Order, of whom at least one shall be our subject, or of our successors in the Kingdom, and who shall all be fit and proper persons for the exercise of that pastoral dignity. Of which three persons thus to be nominated, we, and our successors in the Kingdom, will present, and shall be bound to present, the one whom we or they may judge to be the most worthy for the post. The Grand Master shall be bound to grant the dignity of Grand Cross to whosoever may be appointed to the said bishopric, and shall give him admission into the Council of the Order, together with the Priors and Bailiffs.

As the Admiral of the Order is bound to be of the langue and nation of Italy, it is deemed advisable that, for he who is to exercise his authority, when absence or other impediments occur, if a suitable person can be found in the same langue and nation, the position shall be given to him; it is therefore reasonable that under like parity of suitability, that person should the rather be elected to exercise

that office who may be judged the most eligible from amongst that langue and nation, who shall exercise his office and be deemed suspected of none.

Furthermore, let statutes and firm decrees be made of everything contained in the three preceding articles, according to the style and manner used in the said Order, with the approbation of our Holy Lord and of the Holy Apostolic See; and let the Grand Master of the Order, who now is, or hereafter may be, bound to swear solemnly to the faithful observation of the said statutes, and to preserve them in perpetuity inviolate.

Furthermore, if the Order should succeed in re-conquering the island of Rhodes, and for that reason, or from any other cause, shall depart from these Islands and their local feudatories, and shall establish their Home and Convent elsewhere, it shall not be lawful for them to transfer the possession of these islands to any other person without the express sanction of their feudal lord; but if they shall presume to alienate them without our sanction and licence, they shall, in that event, revert to us and to our successors in full sovereignty.

Whatever artillery or engines of war now exist within the castle and city of Tripoli, as shall be specified in a proper inventory, they may retain the same for three years for the protection of the town and citadel; the obligation, however, remaining valid to restore said artillery and machines after the lapse of three years, unless at that time our grace may, owing to the necessities of the case, see fit to prolong the time, so that the town and citadel may have its defence more securely provided for.

Be it noted that whatever rewards or gratuities, temporary or permanent, may have been granted to certain persons in these territories, which have been given them, either on account of their merits or from some other obligation, in whatever state they may now stand, they shall not be deprived of without proper recompense, but shall remain in full force until the Grand Master and Convent shall see fit to provide them elsewhere with equal and similar property.

In the valuation of this recompense all difference of opinion which might arise, and all annoyance and expense of legal proceedings shall be obviated thus: When it shall seem fit to the Grand Master and Convent to grant to anyone such recompense, two judges shall be nominated; one, in our name, by the Viceroy of Sicily pro tempore, the other by the Grand Master and Convent who, summarily and precisely, shall define the concession of privileges to be transferred, with the arguments on both sides, without any other form or process of law; and if any recompense is to be given, they shall decree how much it should be by right. But if the two judges should, by chance, be of different and opposing opinions, by the consent of both litigating parties let a third judge be named, and whilst the question is being adjudicated or inquired into, and the recompense fixed, the possessors shall remain in the enjoyment of their rights, and shall receive the produce of their privileges, until compensation shall have been made to them.

Under which conditions, as contained and described above, and in no other manner, conceding to the aforesaid Grand Master and Convent one and all of the said articles in feudal tenure, as have been described, as can best and most usefully be stated and written for their convenience and benefit, and good, sound and favourable understanding, we offer and transfer the same to the rule of the Grand Master, Convent and Order, in useful and firm dominion irrevocably, in full right, to have and to hold, to govern, to exercise in full jurisdiction, and to retain in peace and in perpetuity.

On account of this concession, and otherwise, according as it can best be made available and held by law, we give, concede and bestow to the said Grand Master, Convent and Order all rights and all property, real and personal, of every description whatever, which appertain to us, and which can and ought to belong to us in those Islands, which we grant to them by feudal tenure, under the said conditions as have been recited, and in other matters according to the circumstances of the case; which rights and privileges, so that these may be perpetual and actionable and maintained, and that each and every right might be enjoyed and freely exercised by law, and whatever else we ourselves may perform in any manner, either now or in future, placing the said Grand Master, Convent and Order in every respect in our place; we constitute them true lords, duly authorised agents and administrators in their own affairs; no rights or privileges which we have conceded them, as above, beyond what we have already received, shall be retained or received by us or by our Council.

Committing, henceforth, to the charge of the said Grand Master, Convent and Order of Saint John of Jerusalem, with the same authority as we have heretofore exercised, each and every one, male and female, who may now be dwelling, or who shall hereafter dwell, in the said Islands, cities, lands, places and castles, or in their territories, under whatsoever laws or conditions they may have resided there, that they should receive and consider the said Grand Master as their true and feudal lord, and the rightful holder of the aforesaid territories, and shall perform and obey his behests, as good and faithful vassals should always obey their lord.

They shall also make and offer fidelity and homage to the said Grand Master and Convent, with all the oaths usually entailed in such cases; we also ourselves, from the moment that they take those oaths and tender that homage, absolve and free them from all oaths and homage which they may have formerly made and taken to us, or to any of our predecessors, or to any other persons in our name, and by which they have been heretofore bound.

To the illustrious Philip, Prince of the Asturias etc. our well-beloved first-born son who, following our long and prosperous reign, we nominate and appoint, under the support of our paternal benediction, to be, by the grace of God, our immediate heir and legitimate successor, in all our kingdoms and dominions; to all the most illustrious lords our beloved Councillors, and to our faithful Viceroy and Captain General in our Kingdom of the Two Sicilies, to the Chief Justice, or whosoever may be acting in his place, to the Judges and Magistrates of our courts, to the Magistrates of the Portulan and the Secretary, to the Treasurer and Conservator of our royal patrimonies, to the Patrons of our Treasury, to the Castellans of our fortresses, to our Prefects and Guards, portulans and master portulans, secretaries, and to all and sundry officials, and of subjects in our said Kingdom of the Two Sicilies, especially of the said Islands, and of the city and castle of Tripoli, now and hereafter, by the same authority we command and direct, under pain of our indignation and anger; and under a penalty of ten thousand crowns, to be otherwise levied upon their property, and paid into our treasury, that they hold, and support, and observe, and shall cause to be inviolably held and observed by others, these our concessions and grants, one and all, as contained above. Our aforesaid Viceroy himself, or by means of a commissioner or commissioners whom he may choose to nominate in our name for that purpose, shall cause to be handed over and transferred, in actual and tangible possession, as vacant and free, all, as is aforesaid, which we have conceded to the said Grand Master and Convent, to himself, or to a procurator named in his stead, to whom in every way, so that for their part they complete and execute the stipulation with the said Grand Master and Convent, we confer power and commit our plenary authority. After possession shall have been duly transmitted they shall support the said Grand Master and Convent in that authority, and shall protect them powerfully against every one, nor shall they cease to be paid rents, import or export duties, or any other taxes or rights, by either of the aforesaid, to whom we have granted this feudal tenure.

We also, to give effect to this deed, in the event it shall be necessary, provide all defects, nullities, faults or omissions, should any chance to be included, or shall arise, or be in any manner alleged from which in the plenitude of our royal authority, we grant a dispensation.

For which purpose we have ordered the present deed to be drafted, with our official seal for the affairs of Sicily attached to it.

Given at Castel Franco the 23rd day of the month of March, Third Indiction, in the Year of Our Lord 1530; in the 10th year of our reign as Emperor, the 27th as King of Castile, Granada etc., the 16th of Navarre, the 15th of Aragon, the Two Sicilies, Jerusalem and all our other realms.

CHARLES