

## TAKE OFF YOUR HAT!

The banishment of Rev. Giuseppe Cortis, 1824 - 1825

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Francis Rawdon, the seventy year old Marquis of Hastings and second Earl of Moira, was chosen as the Governor of Malta after the death of Thomas Maitland.<sup>1</sup> This General who had started his long military career as an ensign in the 15th Foot, had returned from India where he had been a Governor General for ten years just a few months before arriving in Malta.<sup>2</sup> Hastings assumed the duties of Governor when he took his oath of office on 7 June 1824.<sup>3</sup> His was a short governorship for he died two years later on 28 November 1826.<sup>4</sup>

No sooner had he arrived in Malta, that the new governor had to deal with an incident which had occurred prior to his arrival - an affair that was to irritate the British because of the way the Vatican judged it. The culprit at the centre of this incident was a priest of St. Paul's Collegiate Church in Valletta. While a procession with the Holy Sacrament was passing through the streets of the city on 18 January 1824, Rev. Giuseppe Cortis, the Master of Ceremonies of this Church, approached a British officer of the Royal Artillery in uniform, a Mr. Matthias. Cortis asked the officer to take off his cap as a sign of respect towards the Holy Sacrament as was usually done by all the Maltese. Then the priest 'violently uncapped him twice.'<sup>5</sup> Matthias does not seem to have reacted to this offence surrounded as he was by the devout congregation participating in the procession. He did, however, report the event to his superiors. Since the incident took place only the day after Maitland's death, the authorities did not take any measures at first. When news of what had happened reached him, Ferdinando Mattei, the Bishop of Malta, sent for Rev. Cortis and admonished him without allowing Cortis to state the case in his defence:

*senza entrare nel merito delle ragioni che forse avrebbe potuto addurre in suo favore il Prete, fu acremente rimproverato, ed ammonito, e precettato a regolarsi per l'avvenire con tutta prudentiale maniera.<sup>6</sup>*

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This would have been another insignificant incident similar to those which sometimes ardent Catholic devotees indulged in against Protestant ministers or functions<sup>7</sup> had not the British authorities given the affair a great deal of attention and importance. On 3 February 1824, the Lt. Governor, Manley Power, wrote to Mattei about what had happened asking for strict measures to be taken against the guilty priest.

Power's letter is important for two reasons. It showed that the British administrators saw the religious freedom that the Maltese had and the respect that they themselves showed towards the dominant religion, as great concessions on the part of a colonial power. On their part the Maltese believed this to be their inalienable right and certainly never thought of their religious freedom as a 'gift' from the British sovereign. Secondly, this letter amounts to a declaration in an official document that deplorable incidents between Catholics and Protestants on the Island did occur. Officially, however, these clashes were rarely, if ever, mentioned.

In his letter, the Lt. Governor explained that the British had always supported the dominant Catholic Religion:

*.....and that it has always shewn Itself most anxious to punish any infraction of such Orders, and to cement the Bonds of Union and goodwill betwixt His Majesty's Catholic and Protestant Subjects in these Possessions.<sup>8</sup>*

This was on the whole true. Such a statement, however, certainly jarred at the time. The Maltese Bishop was still coming to terms with the Mortmain Law enacted by Maitland in 1822, about which he had not been consulted at all.<sup>9</sup> Worse still, the Lt. Governor was ready to point a finger at him as 'Head of the Catholic Church' advising him to:

*take the most efficient measures for securing His Majesty's Protestant Subjects from insult and outrage on the part of the Catholics, and more especially of the Clergy who ought so well to appreciate the benefits they enjoy in the free exercise of their religion and their religious Rites under the mild Government of the Island in which they live.<sup>10</sup>*

These 'benefits' were seen by the majority of the Maltese, and not only by the likes of Cortis, as their fundamental right and, therefore, certainly not as a gift which the British Sovereign could grant or withhold. They believed that theirs' was the only true religion. Other people, be they of another domination or wielding worldly power, had to respect it!

Then, Lt. Governor Manley Power explained that he wanted to 'bring this case forward as I understand it is by no means a solitary one.....'.<sup>11</sup> This reference to the case not being the only one of its kind certainly indicates that the British were aware of the general displeasure of the Maltese when viewing the British presence as a Protestant one. Manley Power was therefore going to use the Cortis case as an example to other detractors.

As we have seen, Mattei's immediate reply was that he had already scolded Cortis. It seems that the Lt. Governor and the Bishop had spoken about the matter before they corresponded between themselves about it. The Maltese prelate had suggested to the British Lt. Governor various measures that they could take against the culprit. At the same time, however, Mattei was not too eager to have the priest punished too harshly:

*io per vari riflessi, e singolarmente per quello che specialmente m'incombe di intimare certe vertenze piu' da Padre e buon Pastore che da Giudice, proposi all'Eccellenza V(ost)ra Onorabile diversi e vari progetti.<sup>12</sup>*

Despite the Bishop's suggestions, Rev. Giuseppe Cortis appeared on the 9 February before the Ecclesiastical tribunal.<sup>13</sup> As a priest Cortis could not account for his 'misdeed' in front of a Civil Court; the Crown Advocate had to accuse him before the Ecclesiastical Court.<sup>14</sup>

Cortis was found guilty. The Court suspended him from the office of Master of Ceremonies for six months. He was imprisoned in the Convent of the Dominicans in Rabat for fifteen days and interdicted for ten years from asking for any 'ecclesiastical benefice, pension or other emolument.'<sup>15</sup> So tough was the sentence that Cortis understandably appealed to Rome. After some time however, he gave up the case and presented it to the Vatican for consideration extra-judicially. At Rome the Canons of St. Paul's Collegiate Church used their influence to tarnish the Bishop's image. The Vatican decided that Cortis was only guilty of being too zealous, and this had led him to imprudent actions; a totally different verdict from that of the

Ecclesiastical Tribunal in Malta. This, however, seems to have been quite a realistic appraisal of the whole incident, although one should assume that at Rome, Cortis did his utmost to minimize his guilt.

When the new governor, the Marquis of Hastings arrived in Malta in June 1824,<sup>16</sup> he immediately made contact with the Vatican's Secretary of State, then Cardinal della Somaglia, about this matter. Once more it was the British Governor who defended the Maltese Bishop in his letters to Rome: 'Je puis attester à Votre Eminence que la procede de Mons. l'Archeveque à été en tout parfaitement Sage et Equitable.' Hastings officially stated more than once that this was to serve as an example to all other members of the clergy who might be tempted to act in the same way as Cortis had done. Here was another indication that the British were trying to make the most of this case and tending therefore to blow up the whole issue.

The way the Vatican had judged the actions of this individual priest had not pleased the British at all. How could the British make an example (or rather a scapegoat) of someone who was only guilty of being too keen about his religion in a place like Malta, and considering that the individual concerned was a priest? Cortis would have become a martyr for his religion and the British cruel persecutors. The British did not need the image of a saint but one of an irresponsible person who, through his actions, highly risked to ignite a useless disturbance which might have cost the lives of innocent people. The portrayal of audacity and guilt would have acted as an example to other detractors. That of innocent zeal could have been dangerous. It would have simply encouraged other Catholics, whether priests or lay, to act similarly. It would also have given the impression to the Maltese that the British had acted incorrectly towards a Catholic priest. The British knew the importance with which the Maltese held their religious beliefs and the great influence that the clergy had in Maltese society. Therefore, they knew the danger of such a notion. It would certainly not have induced the islanders to view the colonialists in a friendly way as they had generally done up to now.

Consequently, Hastings could not but protest to the Holy See's Secretary of State, Cardinal della Somaglia, for classifying Cortis' motive in performing his action simply as 'zele Imprudent,' when, according to him, the incident could have led to bloodshed! In February 1825, Hastings explained to Somaglia that the British officer could have brought upon

himself the wrath of the crowd had he not remained calm. Had he reacted to the insult the outcome would have been different. In such a case the use of force would have been indispensable to re-establish law and order: 'le Feu des Troupes aurait pu être trouvé indispensable pour réprimer l'errante.'<sup>17</sup> Hastings informed Somaglia that although Cortis in Rome had claimed that he had taken off the officer's cap in a polite way, the Ecclesiastical Court in Malta had not believed his witnesses, for all the other disinterested spectators had affirmed the contrary. So the British Governor accused the priest of having spurred his witnesses to commit perjury in Rome: 'Cortis n'a qu'ajouter à son premier délit le crime d'avoir instigué la Parjure.'<sup>18</sup> Besides, he claimed that Rev. Cortis had tried to convince Sir Richard Plasket, the Chief Secretary to Government, to abandon the case. When Plasket refused, Cortis decided to abandon his appeal in Rome, allegedly, because he had realized that all the details of his offence would be revealed. According to Hastings, Cortis made it seem that he had submitted entirely to the Maltese Ecclesiastical Court's sentence, but he secretly went to Rome and presented his case under 'a false oath'.<sup>19</sup> The Governor finished his letter with a serious warning to Somaglia: Somaglia's approval of the priest's conduct could encourage similar incidents. Hastings attested that he was ready to have the guilty ecclesiastic tried by a *Conseil de Guerre* (a Court Martial) for an attempt against the Peace of the Garrison, if this happened. He had informed Mattei about his reproach to Somaglia in order to warn all his clergy that this would be the way that similar detractors would be treated.<sup>20</sup>

One of the misfortunes of Cortis was that he was connected to St. Paul's Collegiate and aspiring to become one of the Canons of that Church. The rebellious Canons who had been at loggerheads with their Bishop for some years presented his name to Mattei when there was a vacancy in March 1825.<sup>21</sup> The Bishop refused the nomination and instead another priest was given the vacant canony. It was here that the Vatican's Secretary of State, Cardinal della Somaglia, intervened again and asked the Bishop to grant the first vacant canony to Cortis whether in the Cathedral Chapter or at St. Paul's Collegiate Church.<sup>22</sup> The Vatican was following the policy that its decision had superseded that of the Ecclesiastical Court in Malta which had established that the priest was not to be entitled to any sort of emolument for ten years. Mattei does not seem to have accepted the Vatican's decision and resorted to the tactics he had mastered so well in Maitland's time: he had the letter sent to the British Governor who at the time was in London.<sup>23</sup>

The Bishop was relying on Hastings's reaction to solve the problem that Somaglia had raised for him in the diocese. If the first vacancy was to occur in the Cathedral Chapter, Mattei certainly would never have agreed to have a priest from St. Paul's Collegiate Church as one of his Canons.

The Marquis of Hastings had to use very strong language in communicating to Somaglia the British Government's displeasure at the Vatican's decision. He accused the Holy See's Secretary of State of basing his praise for Cortis on unreliable information, mainly Cortis' own testimony and other witnesses whose evidence could not be well scrutinized. According to Hastings, His Eminence was not taking into account the grave consequences that the priest's actions could have induced. Like Maitland before him, the Governor expressed his wish to be informed of the Vatican's expectations. After all he was in charge of 'the executive power' at Malta. Had Somaglia consulted him about the Vatican's decision beforehand, he would have helped to limit the priest's punishment. The British government considered the fact that the Vatican had ordered Mattei to grant a canony to Cortis as a lack of respect towards it: 'Il a échappé à la perspicacité de votre Eminence, combien une intervention si arbitraire manque d'égards vers l'autorité de la Majesté Britannique.'<sup>24</sup> He even remarked on the inconvenience for the Vatican, of having incurred the displeasure of the British Government: '.....je supplie V(otre) E(mminence) de réfléchir sur l'inconvenient immanquable en perseverant à donner de tels dégouts au Gouvernement Britannique.'<sup>25</sup>

Once again Hastings insisted that the Holy See's attitude could encourage similar incidents and that this was a serious threat to public security. He informed Somaglia that Cortis was being deported from Malta and that similar offenders would receive the same treatment. Of course, according to the governor, this could not be classified as forced deportation for the priest was free to choose his destination!

*Il est libre de deviser son demeure partout ailleurs; et même l'argent nécessaire pour les frais de son voyage lui serait fourni, en le prevenant toujours que son retour à Malte serait penuhi comme forfait.'<sup>26</sup>*

At this point the Marquis of Hastings resorted to negotiations for he informed Somaglia that he would intervene for Cortis with the British

Ministers as a sign of respect towards His Eminence if the latter revoked his order to Mattei to grant the first vacant canoncy to the priest. Despite this suggestion, Hastings did not hesitate to assure Somaglia that he had treated the Catholic Religion on the Island with respect for he felt not only a political but also a moral obligation to treat the cult of the Maltese people 'reverentially' (*une déférence révérentielle*).<sup>27</sup> Was Cortis, at this point, just a pawn between the British Government and the Vatican?

Earl Bathurst, the British Secretary for War and the Colonies, had already given the necessary orders to the Officer Administering the Government in Malta to have Cortis sent to Rome.<sup>28</sup> Bathurst also gave instructions not to allow the priest back on the Island unless Mattei informed the Government that Somaglia's order had been revoked. A few days later it was decided to offer Cortis the option 'of proceeding to Sicily or elsewhere if he should prefer it to going to Rome.'<sup>29</sup> The British hoped in this way not to make the 'removal' of Cortis look like 'banishment'.<sup>30</sup>

To make sure that Cortis did not receive any emolument, they asked Mattei to inform them about every vacant canoncy at St. Paul's Collegiate Church and the Mdina Cathedral. The Bishop of Malta was also to inform them to whom he intended to grant the vacant canonicies.<sup>31</sup> Mattei refused categorically, showing that when he chose he could take a firm stand. In his letter to the Government, the Bishop stated clearly that this would have diminished the Ecclesiastical liberty of the Church and he did not feel authorized to accept such a new procedure.<sup>32</sup> At the same time, Mattei assured the British that he would not confer any Ecclesiastical Benefice to persons whose conduct was not acceptable to the government: 'a persone, la di cui condotta conosco essere sospetta al Governo.'<sup>33</sup> Since Cortis was one of this category, Mattei was confirming his intention to disobey Somaglia!

In the meantime, Somaglia seems to have yielded to the pressures made by the British government for in November 1825 he did revoke his first decision. He never informed Mattei himself but made Cardinal De Gregorio write to Mattei to inform him of the new decision.<sup>34</sup>

Despite the changing views of the Vatican's Secretary of State the Revd. Cortis however did not return to the Island. It was only in 1828, during Ponsonby's governorship, that he was allowed back to Malta and that after his mother Evangelista had written to the Bishop in April of the same year.<sup>35</sup>

The case of Cortis was of great significance. The British became aware that a section of the population was beyond their jurisdiction: there were

some 1000 diocesan priests in Malta at the time, 839 in Malta and 127 in Gozo.<sup>36</sup>

It became imperative to eradicate this privilege of clerical immunity if they were to administer the Island's judiciary. The great influence of the Church in Malta lay in its having this continual link with the common people through its clergy. The Maltese Catholics, most of whom were illiterate, still considered the priests as the most important persons in their villages. What the priests upheld was practically as sacred as the Gospel they preached to their villagers. If these priests, therefore, decided to be against the ruling colonial power, the consequences could be dangerous. The British would be in no position to deal with clerical upstarts for they could only be tried in an Ecclesiastical Court. They had effectively banished Cortis. Banishment, however, was no solution if a number of priests decided to protest at once. The case of Rev. Giuseppe Cortis had been dealt with by the Episcopal Court in Malta as they had desired, but he had been greeted as 'zealous' by the Vatican. If this is what Britain could expect, dealing with the problem of immunity acquired priority. It became clear that negotiations with Rome depended on diplomatic transactions and therefore, on the individuals in key positions at any given moment. Previously, Maitland had always managed to convince Consalvi, who was the Vatican's Secretary of State at the time. Hastings had found that more pressure was needed with a Secretary of State like Somaglia. At the same time the British realized that if they put the right kind of diplomatic pressure on Rome, they could get the results they wished for, without stimulating any unwanted reactions on the Island. This technique was to be used a few years later by the British in order to eliminate the judicial advantages that the Catholic Church had in Malta.

Mattei does not seem to have been aware of the long term repercussions that his reliance on British governors could induce. When he had informed Hastings of the Vatican's decision to grant a canoncy to Cortis, he was trying to safeguard his position, especially, against the wishes of the Canons of St. Paul's Collegiate Church. He had however resisted informing the British about all the vacant canonicies as they had asked him to do, for Mattei rightly pointed out, this was beyond their jurisdiction. Cortis was connected with St. Paul's Collegiate Church so he could not expect Mattei to go out of his way to help him. His only guarantee of safety was the fact that he was a priest. Had he been a lay person he would have been dealt with by the British in the civil courts and no intervention from Rome would have been possible.

