

~~also laid down. It must be such as 'is consistent with the standards of royalties normally operating or licences freely negotiated in the two countries'.³³ Moreover, the compensation should be paid in international convertible currency and the national authorities should not restrict the transfer of payment by currency regulations.~~

~~Again, the rights of the Author are protected by a ban on export of the works translated or reproduced. The only exception that the Paris Acts make on the prohibition of the export trade is if this is done by a governmental or other public entity and if the work is a translation into a language other than English, French or Spanish. The persons benefitting from such works as recipients must be individuals or organizations of the State granting the licence and the copies are to be used only for the purpose of teaching, scholarship or research. The authority may charge a price for the copies but this is to cover only costs of production without allowing for any financial gain.~~

~~The Paris Conferences of 1971 have no doubt provided a basis for future international collaboration in the field of copyright. Nations wealthy in literary and artistic material may make the less fortunate partakers of their resources. The two conventions make an important contribution towards achieving one of U.N.E.S.C.O.'s fundamental aims: the right to culture.³⁴ They tend to reconcile the right to the protection of the moral and material rights of the author with the right of everyone to participate freely in the cultural life of the community.~~

~~³³ Appendix Article IV (6) a. Berne Convention and Art. V/ter (5) (U.C.C.) op.cit.~~

~~³⁴ Article 27 of the Universal Declaration of Human Rights.~~

NOTARIAL REMINISCENCES OF LAST WILLS

PAUL PULLICINO

THE right to own property imposes upon a person the moral obligation of protecting that property even after he has ceased to live and by making a Will he can ensure that his estate is to devolve on the person or persons of his choice.

A Will is a declaration made by a person in a legally authorized form whereby the declarant, known as the testator or testatrix, makes known his or her wishes as to the disposal of his estate after his death.

If a person dies intestate his succession is regulated by Law, but by making a Will, he can, subject to certain protected interests, which vary from country to country, make known his wishes which are binding after his death.

The Maltese, compared to some other nationalities, are perhaps not very Will-conscious as can be seen by the great number of opening of successions which are filed every year in the Civil Court, Second Hall. However they are gradually learning the importance of making their Will, and I should point out here that the making of one's Will even in the simplest form can save much trouble, expense and loss of time in winding up an estate.

But why do people make Wills? If one looks at this question from the legal aspect the answer lies in the four paragraphs which you have just read.

However some testators seem to think otherwise.

A will, I have found, often brings out the testator's character in no uncertain manner and in making his Will the testator sometimes reveals himself shamelessly or gloriously according to his temperament.

During the exercise of my Notarial profession I have come across several such incidents which prove my point. These incidents have helped to enlighten the otherwise monotonous hours which every professional man must have experienced during the exercise of his daily work.

There was the vindictive testator who wanted to get his own back even after he was gone, who disposed: 'I give and bequeath to my daughter-in-law, wife of my son Paul, the valuable gilt mirror hanging up in the hall so that she may look into it after I am gone and see her ugly face'. This perhaps is not as bad as the bequest made by a husband, which I recently read about, who bequeathed to his dear wife one farthing to be sent to her in coin by post in an unstamped envelope.

Then we get the 'pious' testators who are reluctant to part with their worldly goods even after they are no more and who think that they can make use of their money as stepping stones to the Gates of Heaven by bequeathing the greater part of their estate in pious legacies for the repose of their souls.

I have also come across the jealous testator. One fine morning two elderly spouses walked into my office. "Sur Manifik, nixtiequ naghmlu erba' kelmiet" – which in Notarial language means that they had come to make a joint Will commonly known as *unica charta*. After much discussion about what they wanted to lay down in their Will and after I had labouriously written down their wishes, the husband insisted that I put in a clause whereby the wife was to forfeit the usufruct left to her in the event of her remarriage after his death. The wife agreed provided that the same clause also applied to the husband should she predecease him. The jealous husband objected and a quarrel ensued and both parties left my office in disgust, the wife wanting to know with whom the husband had been going about.

Another testator was so meticulous about leaving his affairs in order and making sure that he would not put his heirs to any trouble declared in his Will that he had paid for his funeral in advance and purchased his coffin which he kept locked in an upstairs room.

Other types are the animal lovers who are apt to prefer four legged animals to their two legged brothers as in the case of the old English lady who left most of her estate to provide for the well being of her cats and who went so far as to mention what food was to be given to them and even providing a resting place for them at the end of her garden.

One old lady not wishing her goodness to be interred with her bones made a bequest to the Royal University of Malta of her corpse for the purpose of dissection by the medical students.

Some people are reluctant to make their Will and keep on postponing the day because they feel that it may bring them some form of bad luck. One testator however, was not so much afraid that he would die but he always feared that he may be buried when still alive and he overcame this fear by ordaining that when pronounced dead he was to be injected with a deadly poison to make sure that when he was to be buried he would indeed be dead.

Finally we have the testators whom I have nicknamed 'the regulators' who are swayed to and fro by the slightest show of gratitude by any member of the family and who keep coming in and out of my office year in and year out changing their Wills, one day leaving a sum of money to Jessie and the next revoking the legacy and substituting Charlie in her stead.

As a Notary I have to certify that a testator who makes a Will is of sound mind, but if I had to be too honest I would probably have been out of business by now.