

# LAW JOURNAL

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## EDITORIAL

### FERVET OPUS

DURING the interval between the first appearance of the Law Journal and this second issue, the life of the Law Society has been marked by constant activity. Various lecturers have kindly given us the privilege of hearing their views on matters of social interest ; and we are here reproducing one of these lecturers. Debates have also been held , and the motion “That the rights of the individual are above the rights of the State” evoked a very heated discussion in which many of the members took part. The motion was defeated by one vote.

But of course of all the activities of our Society, moots are the most lively. In our moot having as subject matter the question of foreign marriages — a most crucial question — we had the honour of listening to Professor W. Buhagiar, LL.D., B.A., B.C.L., in his role of judge. In dealing with the case he affirmed the principle that it was against our public policy to consider as invalid a Catholic marriage contracted abroad by a Maltese contrary to the formalities required by the *lex loci*.

### THE RETURN OF THE LAW COURTS TO VALLETTA

This is a goal to which we all look forward with impatient anxiety: and which we consider another return of the Ark of the Covenant.

It is true that to find premises apt enough to be the local Palace of Justice with all the impressive pomp its dignity deserves, is not an easy matter. For the last year, all trials by jury have been conducted in a Hall of the Auberge which housed the Museum, and there seems to be some difficulty in deciding whether the rest of our Courts of Justice ought to be brought over there thus depriving the Museum Department of a proper seat. Admitted that relics of antiquity call forth the deepest veneration, it will nevertheless be easily realized that, whereas the re-housing of the Museum can wait, the return of our Law Courts to their pre-war state is an impellent want. Relics of the past are a precious ornament to our civil organization; Court of Justice are an absolute necessity.

### THE RENT REGULATION ORDINANCE, 1944.

An anomalous state of things has been given rise to by the promulgation of the Rent Restriction Ordinance of 1944. It has added to the conflicts and inconveniences caused by the several amendments to the Act of 1931 ; conflicts and inconveniences which render more difficult the proper application of the Law.

We deem it our duty to recommend the consolidation and co-ordination of all the enactments on letting and re-letting and on rent restriction.

## **THE RE-INTRODUCTION OF ITALIAN IN THE CURRICULUM OF THE PREPARATORY COURSE OF LAW**

This is indeed a punctum pruriens. For some people it may seem an attempt at reviving a question of a political characters — the language question. And just as the Freudians will attribute every manifestation of life to some atavistic sexual motive, so these good people may in their excessive zeal imagine they smell a rat in our attitude.

It is a fact that at present there is no Professor of Italian and modern Languages in our University, so that even those Law students who intend going in for an Arts degree are de facto deprived of the option to choose Italian or another Romance language. Yet a glance at the syllabi of the Faculty of Law will show that a good percentage of the reference books recommended are either Italian or French. Add to this the fact that so far the volumes containing the decisions of our Tribunals have been published in Italian, while for the last five or six centuries up to decide ago all acts of civil life were drawn up in Italian. It would be absurd to consider such sources as our Notarial Archives and our Case Law as anything but indispensable for lawyers and law students. Any English or Continental lawyer would simply smile at the idea of a barrister being unable to understand his country's Case Law as anything but indispensable for lawyers and law students. As the position stands, this is exactly the situation our future barristers are heading to, unless that Body which has the wheels of Government takes steps in order that an alteration be made in the University statute.

In the Editorial of the first number of this Journal, the Law Society declared to have, among other aims, that of protecting and advancing the interest of its members. And it is solely with this end in view that we strongly advocate the re-introduction of Italian as a compulsory subject in the Preparatory Course of Law and in the Matriculation Examination for candidates intending to join such a Course.

## **THE PROBLEM OF THE UNMARRID MOTHER**

Much has been said lately about infanticide and the plausibility or otherwise of enacting special laws dealing with this ever growing social scourge. We do not intend to tackle this problem for the present ; but we wish to call the attention of our readers to the fact that, while the unmarried mother has all facilities of saving her honour, the innocent child is torn away from its mother if the latter decides to enter our local Good Shepherd Convent. In other countries there are Catholic Institutions where the unmarried mother may go through a period of repentance and moral reconstruction, keeping at the same time her child, and tending to herself. Very often this practice developes in the unfortunate girl a bond of maternal affection task of readjusting herself physically and morally to her changed world. Many such Catholic Institution exist in England and Scotland, run either by nuns or by such societies as the Catholic Women's League. By way of example we mention : St. Pelagia's Home, in the Archdiocese of Westminster ; St Margaret's Home ,in the Diocese of Leeds ; St. Joseph's Home, in the Diocese of Southwark ; and St. Gerard's Home, in the Archdiocese of Glasgow.

As things stand in Malta, the unmarried mother has to choose between keeping her child, thus becoming the village scapegoat, and giving it away, often to people whom she does not know, in order to hide her shame. The institution so a "Mother and Baby" section in our Good Shepherd Convent would have the advantage of saving the honour of the mother, without depriving an innocent creature of its right to a mother's love.

## **DISTINGUISHED BENEFACTORS**

We cannot help expressing our deepest gratitude to H.H. Capt. Sir M. A. Maxwell Anderson, Kt., C.B.E., K.C., for his generous offer to the Law Society, among which Halsbury's Laws of England and Bassett Moore's International Law Digest; and to Major Adrian Dingle, M.A., LL.D., O.B.E., of London, for the notes kindly tendered to our President in his preparation of the short biography of Sir Adrian Dingli, which we are reproducing in this issue. Many of his notes are inserted verbatim.

Our thanks also go to the British Council for their generous offer to forward to the Society copies of several British Law Journals and to Major Cathcart Bruce, the representative of the British Council in Malta, for his invaluable help in this respect. The British Council's gesture has been very much appreciated by all members of the Society.

## **THE FUTURE**

We law students belong to a very old academical body which is of its very nature conservative. Law, unlike Medicine and Engineering, is a science which it would be dangerous and harmful to Society, to subject to constant change. But we are ready to hail the new, when it does not clash with the good of the profession and of the community in general.

We are not concerned with politics, and all our suggestions are of a purely academical character. We do not deny the inevitable evolution of human thought and social exigencies, nor the disappointments that attend on human affairs. We do not wish to romanticize the robust myth of the law. But we are ready, when convinced that it is to the common good, to suggest and advocate alterations in the law machine of our country and to say with the Poet :  
"Tomorrow to fresh fields and pasture new."

## **ACKNOWLEDGEMENTS**

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"Il-Parrocca ta San Pawl Nawfragju tal-Belt Valletta", by J. Galea (1944).  
"Zwieg il-Mewt", Dramm f'Att wiehed; by A. M. Cassola (1945)