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FACULTY BOARD OF LAWS

1958 ~ 1960

FACULTY BOARD OF LAWS

Dean Prof. V. Caruana (October 1957 - Sept 1960)(Art.48)
Repr. on Senate Prof. F. Cremona (October 1957 - Sept 1960)(" 27(2))
S/Repr. on Senate Prof. J.H. Xuereb (October 1957 - Sept 1960)(" 27(3))

Board

(Period Oct 1957 - Sept 1960)

1. Vice-Chancellor & Rector Magnificus

Art (46(1)) 2. Teachers

Dr. E. Busuttil

Prof. V. Caruana

Dr. M. Caruana Curran

Prof. F. Cremona

Dr. J.J. Cremona

Prof. J. Galea, M.D.

Dr. J.M. Ganado

Dr. H.W. Harding

Prof. J.H. Xuereb †

Prof. ^{As} A. Tabone (1957-1960)

Dr. W. Gulia (up to 31.12.60)

Art (46(1)) 3. Examiners

The Hon. Mr. Justice A.V. Camilleri

Dr. L. Galea (The Hon.)

The Hon. Mr. Justice W. Harding

Dr. V. Depasquale

The Hon. Mr. Justice T. Gouder

Faculty of Law

Setting 1/58

Meeting held in the Aula Concilio
on Wednesday 8th October at 3pm.

Members present:

Prof V. Carrara in the Chair, ✓

Mr Just. T. Gauder ✓

Prof F. Coemore ✓

Dr M. Barnano Suran ✓

Dr E. Busuttel ✓

Dr Jm. Canado ✓

Prof JH. Xucro ✓

Apologies for absence were received

Mr Just. W. Harding ✓

Mr Just. A. Camilleri ✓

Miss Dr L. Galea ✓

AGENDA

1. Minutes.
2. Matters of urgency.
3. Number of lectures and tutorials - Request by Senate.
4. Final Oral examination of theses in terms of Article 356 (iii) - Arrangements for.
5. Communication from Mr. Guido Zulu - Request for advice of Senate.

1. Minutes (Item 1)

After prayers, the minutes were read, confirmed and signed as amended.

2. Urgent matters (Item 2)

The Chairman informed the meeting that ~~the~~ Dr. W. Zulu ceased to be a member of the Faculty Board of Law as his term of service as additional lecturer in Administrative Law expired on the 30th September 1958. Dr Zulu was still the tutor

for the theses presented by a number of students in the course of Law's Vth year and it would be desirable to be present for the oral examination to be conducted by the Board in terms of Article 35(III) of the Statute.

369/53 /
After discussion, it was decided to recommend that the appointment of Dr W. Lube as additional lecturer in Administrative Law be extended until such time as the oral examination of theses were completed.

16/58 /
3. The Chairman then informed the Board that he received a letter from the Hon Dr L. Galea, in which he enclosed an extract from the Daily Telegraph of the 2nd October 1955 on the subject of "Pupilage for Barristers". The Chairman read the extract, after which the Board decided to thank the Hon Dr L. Galea.

4. Number of Lectures and Tutorial (Item 3)

29/58 /
The Chairman informed the Board that Senate required detail of number of hours of lecture and tutorial ~~and~~ per subject.

It was decided to inform Senate that the information required was as follows:

Civil Law - six lectures per week (including one moot or seminar held once a month instead of a lecture)

Commercial Law - a minimum of four lectures per week (including one seminar to be held once a month instead

of a lecture)

Forensic medicine - two lectures per week

Canon Law - three lectures per week

5. Final oral examination of theses in form of Article 356(III) of the Statute - Arrangements for

The Chairman read a letter from the Justice Harding in which he ~~explained~~ gave the position regarding the preparation of the report of the theses for which he was one of the examiners.

The Chairman expressed the hope that the Tutors ~~would~~ ensure to take the necessary steps to prepare the reports in time.

A discussion then ensued on the time-table for the oral examination, after which it was decided to leave it in the hands of the Registrar to work out a time-table.

6. Communication from Mr Guido Saliba - Request for advice by Senate (Item 5 Supplementary Agenda)

The Chairman gave background information leading to the communication by Mr Guido Saliba to Senate.

After discussion, it was decided to inform Senate that in the opinion of the Board Article 95 was applicable in this case; however with regard to Article 92, on the strength of the information received that on several occasions in the past, it was interpreted as applying to students who followed courses and passed the examinations of the University; Mr Saliba's

276/57 ✓

234/50 ✓

7. petition might be favorably entertained
Adjournment
The meeting then adjourned since the
tax

W. J. [unclear]

J. J. [unclear]

11-3-19

Sitting 2/58
Meeting held with the Aula Concilio
on Monday 20th October - 1958 - & subsequent
days at ~~the~~ 3.30 p.m.

AGENDA

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

Manche Albert R.
Micallef Trigona A.
Montanaro Gauci G.
~~Xuereb Paul~~
Camilleri Frank

Tuesday, 21st. October, 1958.

AGENDA

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

Camilleri Albert
Bartolo Joseph
Ena Vella
Mifsud Reginald
Mifsud Bonnici G.

Wednesday 22nd October, 1958.

AGENDA

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

Fenech Adami Edward
Mifsud Bonnici G.
Heywood P.E.
Micallef Franco
Said Maurice

Thursday, 23rd October, 1958.

AGENDA

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

Sciocluna Carmelo
Gatt Anthony A.
Borg Olivier de Puget Albert
Bonello Giovanni
~~Xuereb Paul~~

Members present:-

Prof. V. Canzara with the chair
Prof. J. Xerob, Prof. F. Cremona, Prof.
G. Galea, Dr. B. Brunetti, Dr. V. Spasquale,
the Hon. Mr. Justice Forder and the Hon. Mr.
Justice Harding.

8. apology for absence was received from Hon. Mr. Galea.

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

no 125
. 127
. 126
. 139

Manche Albert R.
Micallef Trigona A.
Montanaro Gauci G.
~~Xerob Paul~~
Camilleri Frank

27/17x

The above four students were
submitted to an oral examination and
approved.

9

The meeting was adjourned
to Tuesday 21st October, 1957

The meeting was resumed
on Tuesday 21st October with the Extra Council
Members present:-

Prof. V. Canzara with the chair, Dr.
Canzara Xerob, Dr. J. Cremona, Prof.
G. Galea, Dr. M. Forder, Dr. H. Harding,
Dr. B. Brunetti, Dr. V. Spasquale, the
Hon. Mr. Justice A. Camilleri, and the
Hon. Mr. Justice Harding.

19.

apology for absence was received from Hon. Mr. Galea

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

no 131
. 142
. 130
. 135
. 137.

Camilleri Albert
Bartolo Joseph
Ena Vella
Mifsud Reginald
Mifsud Bonnici G.

27/17x

The above five students were
submitted to an oral examination and

approved.

11

The Meeting was adjourned to
Wednesday, 22nd October, 1957.

The Meeting was resumed on
Wednesday, 22nd October, 1957.

Members present:-

Prof. V. Cammaro in the chair, Prof. F.
Cammaro, Dr. M. Cammaro Curran, Prof. M. Pando,
Dr. J. Cammaro, Prof. G. Salee, Dr. W. Gulia,
Dr. V. Schiavone, & the Hon. Mr. Justice
Harding.

12

an apology for absence was received from Mr. Pando

Oral examination of theses submitted by the following students
in terms of Article 356(iii) of the Statute:

133	Fenech Adami Edward
147	Mifsud Bonnici C.
146	Heywood P.E.
132	Micallef Francis
130	Said Maurice

Members present:-

276/17*

The above five students were
submitted to an oral examination and
approved.

13.

The Meeting was then
adjourned to Thursday, 23rd October
1957.

The Meeting was resumed
on Thursday, 23rd October, 1957.

Members present:-

Prof. V. Cammaro in the chair,
Prof. F. Cammaro, Dr. E. Guattiere, Dr. J. J.
Cammaro, Dr. W. Gulia, Prof. J. H. Xerri,
Dr. M. Cammaro Curran, Dr. J. M. Pando,
Dr. V. Schiavone, & the Hon. Mr. Justice
Harding.
an apology for absence was received from Mr. L. Galea

fb

Oral examination of theses submitted by the following students in terms of Article 356(iii) of the Statute:

- no 129 Scicluna Carmelo
- Gatt Anthony A.
- Bong Olivier de Puget Albert
- Bonello Giovanni
- no 128. Xerxes Paul

276/17*

The above ~~five~~ ^{except Bonello G.B.} students were submitted an oral examination and approved.

15.

Theses presented by student Bonello G.

276/17*

The board decided to allow the substitution of the new thesis by G. Bonello & appointed Mr. M. M. M. as tutor and Prof. Xerxes and Dr. G. M. as examiners.

16

The meeting was then adjourned in die.

Secretary

Chairman

11.3.59

Sitting 3/50

Meeting held in the Aula
Concilii on Friday - 7th November 1911
at 3pm.

Members present:-

* Prof. Comana in the chair; Mr. J.M.
Parodo, Mr. M. Camara Curran, Mr.
J.G. Curran, Prof. J.H. Lumb, Mr. W. Belli,
Mr. G. Brunetti, Mr. J. Justice
A. Conilleri

* Mr. Justice Lumb an apology for absence was received from Mr. Lumb:
from Mr. M. L. Gales + Mr. V. H. H. H. H.

AGENDA

1. Matters of urgency.
2. Oral examination of theses submitted by the following students in terms of Article 356 (iii) of the Statute:

Patrick Holland
J.A. Herrera
J.M. Ciappara

17. 276/19x Three students - Mr. P. Holland,
Mr. J.A. Herrera and Mr. J.M. Ciappara -
were submitted to an oral examination
and approved.
18. 276/19x Thesis submitted by student G. Bonello.
The Board decided to hold the
oral examination of G. Bonello today on the
presentation of the favourable report of the
Examiners. He was examined and approved.
19. The Meeting was then
adjourned in fine die.

Agenda
Secretary

J. Curran
Chairman

11. 3. 55

Sitting 4/11

Sitting held in the usual
council on Tuesday 11th November, 1959, at 3.15.
Members present:-

+ Prof. V. Ramana in the chair, Dr. M. C. Srinivas
Kurvar, Dr. V. S. Srinivas, Prof. J. H. Srinivas,
Dr. J. M. Srinivas & the Hon. Mr. Justice Srinivas.

Apologies for absence were

+ received from Prof. S. Srinivas, the Hon. Mr. Justice
Srinivas, the Hon. Mr. Justice Srinivas, &
Dr. V. Srinivas, & from the Hon. Mr. L. Srinivas.

AGENDA

1. Oral examination of thesis submitted by student C. Lia in terms
of Article 356(ii) of the Statute.

20. ^{276/11} Mr. C. Lia was submitted
to an oral examination and approved.

21. The meeting was then adjourned
 sine die

Agreed '11

Secretary

J. Srinivas
Chairman.

11th Nov 1959

Sitting 5/SP

The Meeting which was called
for Friday - 30th. January 1919 at 8pm.
was not held owing to lack of quorum.

x
Members present: Mr. J. Curran,
Mr. H. Mr. Justice J. Lynder, Mr. J. Curran
& Mr. M. Ganado.

x
apologies for absence: were
received from Mr. Justice W. Harding
& Mr. H. Gale.

Agnes A.
Secretary.

Sitting 5/00

Meeting held in the aula
Cancilleria on Wednesday, 11th March, 1959,
at 3 p.m.

Members present:

- * Prof. V. Canonica in the chair, Prof. F. Comandini,
Prof. J. Polesa, Dr. V. Repasquale.
- * Apologies for absence were received from
the Hon. Mr. Justice Gaudier, the Hon. Mr. Justice
Harding & Dr. M. Canonica Celsan.

AGENDA

1. Minutes
2. Matters of urgency
3. Communication from Mr Guido Saliba.
NOTE: On 8.10.58, the Faculty Board of Laws informed Senate
"that in the opinion of the Board, Article 95, was
applicable in this case; however with regards to
Article 92, on the strength of the information received
that on several occasions in the past, it was inter-
preted as applying to students who followed courses
and passed the examinations of this University. Mr
Saliba's petition might be favourably entertained."
Senate noted the recommendations and decided:
"to refer the matter back to the Faculty Board of
Laws and to inform members that Article 92 has never
been interpreted to clash with Article 95."
4. Syllabus for the Course of Laws 1959/64.
- First and second years 1959/61.
(Enc. 1/58 already circulated).
5. Time-table for the June 1959 examinations.
6. Request by Senate to the Faculty Board of Laws to appoint
four members to give a lecture for the general public
NOTE: Senate has decided that a series of fortnightly
lectures to the general public be given by members of
the Teaching Staff, and that each faculty should
appoint 4 members to give such lectures.

(22) x

Minutes (Item 1)

After prayers, the Minutes of the
previous Meeting + those of Sitting 1/00,
2/00 & 3/00 were read, confirmed & signed.

(23) x

Matters of urgency

There were no matters of
urgency.

(24)

3. Communication from Mr Guido Saliba.

NOTE: On 8.10.58, the Faculty Board of Laws informed Senate "that in the opinion of the Board, Article 95, was applicable in this case; however with regards to Article 92, on the strength of the information received that on several occasions in the past, it was interpreted as applying to students who followed courses and passed the examinations of this University. Mr Saliba's petition might be favourably entertained."

Senate noted the recommendations and decided:

"to refer the matter back to the Faculty Board of Laws and to inform members that Article 92 has never been interpreted to clash with Article 95."

$\frac{234}{12} +$

The chairman read a minute on the subject Lyde vs. Odun.

After discussion, ~~it was unanimously decided~~ and after having seen the information given by Senate to the effect that article 95 has never been applied & interpreted in such a manner as to clash with art. 92, the board decided that Mr. Saliba's application could not be allowed as more than 6 years had lapsed from the date of his discontinuation of the course of Laws.

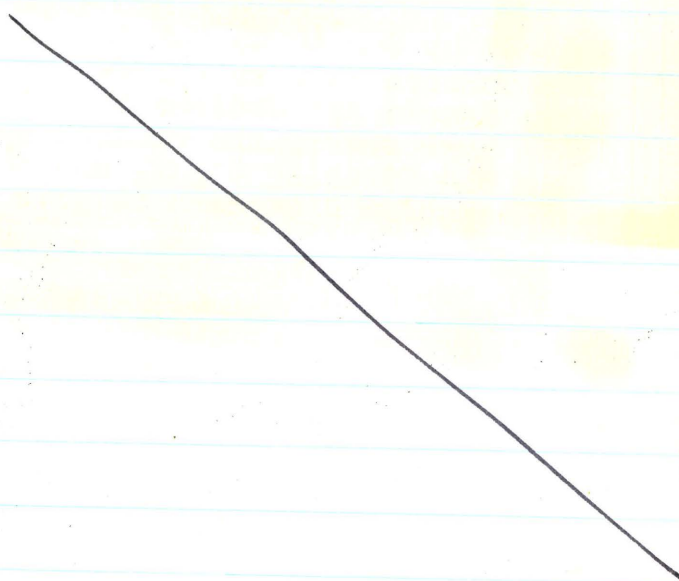
(25)

4.

Syllabus for the Course of Laws 1959/64.
- First and second years 1959/61.
(Enc.1/58 already circulated).

The following syllabus was approved:

$\frac{84}{10} +$



THE ROYAL UNIVERSITY OF MALTA

FACULTY OF LAWS

FINAL COURSE OF LAWS

SYLLABUS for the FIRST YEAR

1956-57

ROMAN LAW and PROLEGOMENA OF CIVIL LAW

Lecturer: J.M. Ganado, B.A., LL.D., Ph.D.(Lond.)

One written paper and an oral test

Maximum - 200 marks

Part I. Introduction to Civil Law

Law in general; jus; jurisprudentia, justitia; aequitas.

Classification of law.

Interpretation and supplement of laws.

Effect of law in space and time; general theory of transitory law.

Enforcement of laws; their sanctions in general and nullity of acts in particular; distinction between nullity, annulment, rescission and reduction of acts.

Abrogation of laws.

Subjective rights; their nature and classification.

The subject of rights; personae; natural and moral persons; their beginning and end.

The object of rights; distinction in Roman and Maltese law.

Acquisition, modification and loss of rights.

Exercise and redress of rights.

Abuse of rights.

Part II. Sources of Roman Law

Reference Book:

H.F. Jolowicz, *Historical Introduction to Roman Law* (1951)

Periods in the history of Roman law; the Monarchy; the Republic; the Empire.

Comitia curiata; comitia centuriata; comitia tributa; concilium plebis tributa.

Senatus-consulta; the powers and functions of the senate.

The magistracies; magistratum edicta; the powers and functions of the praetor; praetor urbanus; praetor peregrinus.

Interpretatio and responsa prudentium. The jurisprudentes; schola sabiana or cassiana and schola proculiana.

Principum placita; types of constitutions and binding force thereof.

The nature of customary law.

The post-classical codices; the characteristics of classical and post-classical law.

The corpus juris civilis of Justinian; the codex; the digest or pandects; the institutes; the novels. General notions about interpolations in the digest; post-classical and compilatorial.

Reference Books for Parts III, IV, and V:

R.W. Lee, *Elements of Roman Law* (1949); or

V. Arangio-Ruiz, *Istituzioni di Diritto Romano* (1947); or

W.W. Buckland, *Manual of Roman Law* (1939).

Part III. Law Relating to Persons

The threefold status of persons; capitis deminutio.

Status libertatis; acquisition and loss; beginning and end of slavery; rights of the matter.

Status civitatis; cives; latini; peregrini; the edict of Caracalla.

Status familiae; agnation and cognation; persons sui juris and alieni juris; patria potestas; notion of Peculium.

Justae Nuptiae; concubinatus.

Legitimation; adoption.

Emancipation.

Tutela impuberum; tutela mulierum.

Cura; legitima and dativa; lex Plaetoria.

Juristic persons.

Part IV. Law Relating to Things

Jura in re; dominium quiritarium; rei vindicatio; actio publiciana; dominium bonitarium; condominium.

Acquisition of dominium; jure civili et jure gentium; mancipatio; in jure cessio; adjudicatio; usucapio; longi temporis praescriptio; occupatio; thesauri inventio; accessio: natural and industrial; specificatio; preceptio and separatio.

Servitudes; classification; creation and extinction; actio confessoria; personal servitudes; praedial servitudes in general and in particular. Emphyteusis and superficies.

Pignus and hypotheca; creation and extinction; actio serviana; interdictum salvianum.

Possession; acquisition and loss; interdicta adipiscendae, retinendae, recuperandae possessionis. Quasi-possessio.

Obligations in general; classification of obligations.

Effects of obligations; standards of conduct; dolus; culpa; custodia; mora.

Extinction of obligations; payment; novatio; acceptilatio; compensation; pactum de non petendo.

Modalities of obligations; condition; time; modus.

Classification of contracts; verbis; literis; re; consensu; innominate;

pacta.
 Mutuum; commodatum; depositum; pignus.
 Dotis dictio; jusjurandum liberti; stipulatio.
 The classical literal contract and the literal contract of Justinian.
 Emptio - venditio; locatio-conductio; societas; mandatum.
 Quasi-contracts.
 Delicts and quasi-delicts; furtum; iniuria; damnum injuria datum; actio noxalis; actio de pauperie.
 Successio causa mortis; hereditas; devolution; causes and conditions.
 Testamentary succession; incapacity of testator and of heirs; forms; ancient; new and extra-ordinary; institution; substitution; invalidity of the will.
 Formal necessary succession of the ancient law; legitim; quaerela inofficiosi testamenti. Novella 115 of Justinian. Disherison.
 Intestate succession; the XII tables; Bonorum possessio; senatus consultum Orphitianum and Tertullianum. Novellae 118 and 127 of Justinian.
 Acquisition of inheritance; heredes necessarii, sui et necessarii, extranei; aditio; pro herede gestio. Effects of acquisition. Jus deliberandi; beneficium inventarii. Hereditatis petitio. Senatus consultum juvenianum. Effects in case of plurality of heirs.
 Legacies in general; subjects; objects; ordinary forms; codicil; classification of legacies; acquisition; effects and revocation thereof.
 Fideicommissa, definition and origin; universal fideicommissum. Senatus consultum trebellianum and pegasianum.
 Modalities of the institution of heirs and of legacies. Jus accrescendi.
 Donatio causa mortis.

Part V. General notions of the Law of Actions

The legis actio system.
 The formulary procedure.
 The extraordinary procedure.
 Interdicts.
 The classification of actions.

CONSTITUTIONAL LAW

J. J. Cremona, B.A., LL.D., D.Litt. (Rome), B.A. Hons (Lond.), Ph.D. (Lond.) / x

One written paper and an oral test

Maximum - 200 marks

Text-book:

Wade and Philips, *Constitutional Law*, 5th ed.

Monographs of local interest:

J. J. Cremona, 'The Malta Constitution of 1849', *Scientia*, 16(1950) No. 3

J. J. Cremona, 'The writ of habeas corpus and Maltese law', *Scientia*, 19 (1953), No. 1.

and
 articles

J.J. Cremona, The Crown in Malta and culpa in eligendo, Rostrum 3 (1957) No 7.

J.J. Cremona, The Malta Constitution of 1835, Malta 159.

J.J. Cremona, 'Could the Maltese Legislature abolish appeals to the Privy Council?' Rostrum, 1 (1955) No. 1.

Reference books:

Taswell-Langmead, *English Constitutional History*, 10th ed. by T.F.T. Plucknett.

Dicey, *Introduction to the Study of the Law of the Constitution*, 9th ed. by E.C.S. Wade.

Ridges, *Constitutional Law*, 8th ed. by G.A. Forrest.

Hood Philips, *Leading Cases in Constitutional Law* (1952). 2nd ed.

Anson, *Law and Customs of the Constitution*, Vol. I, 5th ed., Vol. II, 4th ed.

Jennings, *The Law and the Constitution*, 3rd ed.

1. Scope and sources of Constitutional Law.
2. The nature of the English Constitution.
3. Constitutional landmarks:
 - (a) Magna Carta;
 - (b) The Petition of Right, 1628;
 - (c) The Bill of Rights, 1689;
 - (d) The Act of Settlement, 1701.
4. General principles:
 - (a) Sovereignty of Parliament;
 - (b) The Rule of Law and Droit Administratif;
 - (c) The Conventions of the Constitution;
 - (d) The Separation of Powers.
5. The Legislature:
 - (a) The meeting and termination of Parliament;
 - (b) The constitution and the privileges of the Houses of Parliament; the case for and against Second Chambers; Her Majesty's Opposition; conflict between the two Houses;
 - (c) The Electorate and the Franchise;
 - (d) Business in Parliament:
 - (i) legislation; evolution of legislation; procedure; public bills; money bills; private bills;
 - (ii) control of finance;
 - (iii) control of the Executive;
 - (iv) judicial and quasi-judicial functions.
 - (e) Parliamentary Reform.
6. The Executive:
 - (a) The Crown; title; abdication; regency; effect of demise;
 - (b) The Royal Prerogative; prerogative powers and statute law; doctrine of State necessity or Acts of State;
 - (c) The Privy Council;
 - (d) The Ministry and the Cabinet; Ministerial responsibility;
 - (e) The legislative powers of the Executive;
 - (f) The judicial and quasi-judicial powers of the Executive.

- 7. The Judiciary; judicial tenures and functions.
- 8. The Crown in litigation in England and in Malta; the doctrine of acts performed *jure imperii* and acts performed *jure gestionis* in Malta; limits of governmental liability in Malta for the wrongs of public servants.
- 9. Her Majesty's Forces and Military Law.
- 10. The Rights of the Subject:
 - (a) Personal freedom; habeas corpus; martial law;
 - (b) Freedom of Speech;
 - (c) Public meetings;
 - (d) Association.
- 11. The British Commonwealth of Nations; the Dominions and the Colonies and their forms of constitution, Colonial Executives and Legislatures.
- 12. Forms of Government in Malta under the British Crown.
- 13. The present Constitution and government of Malta, fundamental principles of the Constitutional Law of Malta; a comparative study of the Malta Constitution. The Franchise in Malta; the Electoral (Franchise, Method of Election and Registration of votes) Ordinance (Ch. 157, the Electoral (Polling) Ordinance (Ch. 163), and Regulations thereunder.
- 14. Comparative Constitutional Law with special reference to the Constitution of the United States of America, the French Constitution, and the pre-war Democratic Constitutions.

SCIENCE OF LAW

Professor J.H. Xuereb, LL.D.

One written paper and an oral test

Maximum – 200 marks

Introduction

The nature of Jurisprudence – definition – methods of approach.

The relation of Jurisprudence to kindred sciences.

Method in general – methods followed in Jurisprudence.

Part I. Analytical Jurisprudence

(a) Law and morality. (b) Natural law and positive law.

Dual aspect of law: objective and subjective.

Objective law as distinct from other rules of action.

Main sources of positive law – statute – custom – precedent – equity.

Principal classification of law.

Rights – elements – its relativity to duty.

Natural and legal persons – main theories.

Classification of rights.

Fundamental concepts of the law of family, ownership, obligations,

succession.

Part II. Historical Jurisprudence

Law an organic growth – main theories.
Methods usually followed in this approach.
Matriarchal and patriarchal states – clans.
Origin of the State – war and conquest.
Evolution of the State and its effect on law.
Conclusion..

Part III. Ethical Jurisprudence

The concept of Justice and the function of jurisprudence.
Main theories regarding the origin of law – ancient, mediaeval, modern schools of thought.

CRIMINAL LAW

Professor A.J. Mamo, O.B.E., B.A., LL.D.

One written paper and an oral test

Maximum – 200 marks

Part I

Introduction.
Penal laws: notion, contents, necessity, interpretation.
Operation of Criminal Law: limitations by time and by territory.
The nature of a criminal offence; distinction between a criminal offence and a civil wrong.
The subject of a criminal offence; natural persons and legal persons.
Classification of criminal offences.
Theory of criminal liability. Elements of a crime; nature and kinds of *dolus*; nature and degrees of negligence (*culpa*); contributory negligence; offences of absolute liability; good faith; vicarious responsibility.
General grounds of defence and exemptions from criminal responsibility; coercion, civil subjection, necessity, accident, mistake or ignorance.
Criminal capacity; infancy, deafness and dumbness, insanity, drunkenness.
Criminal attempts: definition, punishment, voluntary, desistance.
Complicity. General rules applicable to all forms of criminal participation; acts of complicity, complicity and attempt, punishment of accomplices, extent of individual liability of each of the parties to an offence.
Current offences and punishments.
Continuous offence (*reato continuato*).
Recidivists.
Legal consequences of a criminal offence.

Part II

Nature of punishment, right of the State to inflict punishment.

–6–

purpose of punishment, safeguarding of law and order, deterrence, prevention, reformation of the offender, retribution.
Measure of punishment.
Classification of punishments.
Non-punitive forms of dealing with offenders.
Special treatment for young offenders.

SYLLABUS for the SECOND YEAR

1957-58

INTERNATIONAL LAW

E. Busuttill, B.A., LL.D., M.A.(Oxon.), B.Litt.(Oxon.)

One written paper and an oral test

Maximum - 200 marks

Books recommended:

Oppenheim, *International Law*, Vol. I, *Peace*; Vol. II, *Disputes, War and Neutrality*.

Sibert, *Traite de Droit International Public*, Two Volumes.

Note: *Students will be expected to be familiar with current problems in International Law and are therefore strongly recommended to read the relevant notes and articles which appear in the 'International and Comparative Law Quarterly', 'The Law Quarterly Review' and 'The Cambridge Law Journal' from time to time.*

PUBLIC INTERNATIONAL LAW

A. Introductory

1. International law as law. Definition of International law.
2. Foundation and development of international law.
3. Basis of international law.
4. Sources of international law.
5. International law and municipal law.
6. The dominion of international law.
7. Codification of international law.

B. *The Law of Peace*

- (i) The subjects of international law.
 1. Sovereign states as international persons.
 2. Composite international persons. Vassal states. States under Protectorate. The British Commonwealth of Nations. Mandated areas. Trust areas. Neutralized states. The Holy See. Present status of Germany, Iceland, Eire, India.
 3. Recognition of states and governments.
 4. State succession.
 5. International personality: Equality, independence and territorial supremacy, self-preservation, intervention, intercourse, jurisdiction.
 6. Organisation of the international community: The League of Nations, The United Nations.
- (ii) The objects of international law.
 1. (a) State territory. Land, national waters, territorial waters, rivers,

lakes and landlocked seas, canals, gulfs and bays, straits, maritime belt, the air and aerial navigation. The problem of the nationalization of international waterways.

- (b) Jurisdiction. Territorial jurisdiction. Extension of a State's territorial jurisdiction, limitations on territorial jurisdiction.
 - (c) Modes of acquiring State territory: cession, accretion, subjugation, prescription.
 - (d) Loss of State territory.
2. The open sea. Freedom of the open sea. Jurisdiction on the open sea, piracy, fisheries.
 3. Individuals, position of individuals in international law, Nationality: Modes of acquiring and losing nationality, nationalization. British Nationality Act 1948. Double nationality and statelessness. Status of aliens, expulsion of aliens, reference to local legislation. Extradition: principle of non-extradition of political criminals. Protection of minorities. The charter of Human Rights.
- (iii) Organs of states for international relations. Heads of states, foreign offices. Diplomatic envoys: Classes, functions, privileges, Consuls, functions and privileges. Diplomatic privileges of non-diplomatic persons.
- (iv) International transactions.
Congresses and Conferences.
Treaties: character and function; parties to treaties; objects; form; ratification, effect, interpretation; expiration and dissolution.

C. *Redress Short of War and the Laws of War*

1. Amicable settlement of state differences:
 - (a) Negotiation.
 - (b) Good offices and mediation.
 - (c) Conciliation.
 - (d) Arbitration.
 - (e) Judicial settlement: the permanent court of international justice; the international court of justice.
2. Compulsive settlement of state differences:
 - (a) Retorsion,
 - (b) Reprisals.
 - (c) Pacific blockade.
 - (d) Intervention.
 - (e) Action by the League of Nations and by the United Nations.
3. Conception of war. Origin of the laws of war.
4. Commencement of war.
5. Effects of the outbreak of war.
6. Enemy Character: (a) property (b) individuals.
7. Land warfare:
 - (a) Violence against enemy persons.
 - (b) Treatment of wounded.

- (c) Captivity.
- (d) Destruction of enemy property. Assault; siege; bombardment.
- (e) Belligerent occupation.
- 8. Maritime warfare:
 - (a) Bombardment.
 - (b) Submarine mines.
 - (c) Seizure of enemy vessels.
 - (d)* Appropriation and destruction of enemy merchant-men.
- 9. Air warfare.
- 10. War crimes: The international military tribunals at Nurnberg and Tokyo.
- 11. End of war: Capitulation, armistice, post-liminium.
- 12. Treaty of peace: Indemnities and reparation.

D. The Law of Neutrality

- 1. History and development of neutrality.
- 2. Nature of neutrality. Commencement and termination.
- 3. Different kinds of neutrality.
- 4. Rights and duties as between belligerent states and neutral states.
 - (a) Duties of a belligerent state to neutral states.
 - (b) Duties of a neutral state to belligerent states.
- 5. Violation of neutrality.
- 6. Rights and duties as between belligerent states and neutral individuals.
 - (a) Blockade.
 - (b) Contraband trade. (c) Unneutral service.
- 7. Visitation and search of neutral vessels.
- 8. Capture of neutral vessels.
- 9. Trial of captured neutral vessels: Prize law and prize courts.

CIVIL LAW

Professor V. Caruana, O.B.E., B.Lit., LL.D.

One written paper and an oral test

Maximum - 200 marks

A. Law of Persons

Betrothal; civil effects thereof; civil effects of marriage, duties of husband and wife, marital authority.
 Separation from bed and board by consent, by judgement; causes and pleas; effects; cessation
 Obligations of maintenance resulting from marriage and from other causes; obligation of giving a dowry to daughters and grand-daughters.
 Filiation of legitimate children; presumption of paternity; action to repudiate paternity, to contest legitimacy; action to claim parentage and proofs thereof; effects of legitimacy.

Natural children; acknowledgement, actions to establish paternity or maternity.

Legitimation of natural children.

Adoption.

Paternal authority during minority and after minority until the age of twenty-one years. Cessation. The mother's right of the usufruct.

Minority; guardianship and cessation thereof.

Interdiction and incapacitation.

Of the care of the property of absentees and of their minor children.

Transitory law of persons.

B. Of Rights over Things and of the Modes of acquiring and transmitting Property and other Rights over or relating to Things

Rights *in rem*; ownership; compulsory acquisitions.

Community of property; division of common property.

Different ways of acquiring property; occupancy; accession and different kinds thereof.

Usufruct; use and habitation; how acquired and terminated; rights and obligations of the usufructuary and of the person having a right of use or habitation.

Praedial easements. Legal easements resulting from the location of premises. Party walls, ditches in common. Distances required in certain cases. Eavesdrop. Right of way and of water course. Military Clearance Rights.

Easements established by the act of man; kinds; how established, exercised and extinguished.

Emphyteusis; how acquired; rights and obligations of the dominus and of the emphyteuta; termination of emphyteusis; alienation of the rights of the emphyteuta; right of preference.

Possession; how acquired; continuation, union and loss; change of title; actions rising from possession; *reivindicatoria* and its effects with regards to the restitution of the thing and of its fruits to the responsibility for damages and to the reimbursement of expenses; particular effects of the possession of movables.

CRIMINAL LAW

Professor A. J. Mamo, O.B.E., B.A., LL.D.

One written paper and an oral test

Maximum - 200 marks

- I. Classification of criminal offences.
- II. Crimes against the safety of the government.
Crimes against the public peace.
Crimes against the administration of justice and other public administrations.

Crimes against religious sentiment.
Crimes affecting public trust.
Crimes against public interest in trade.
Crimes against morals and the good order of families.
Crimes against the person.
Crimes against property and public safety; malicious damage.
Contraventions.

ADMINISTRATIVE LAW INCLUDING FISCAL LAW

Lecturer (Vacant)

One written paper and an oral test

Maximum – 200 marks

Introduction – The Modern State.

Part I. The General Theory of Administrative Law

Notion of Administrative Law. Various theories on the subject. Distinction between Administrative Law and Constitutional Law. The science of administration.

Public administration; its characteristics, subjects and objects. The theory of discretionary powers. Penalties inflicted by public administration.

Legislation by administrative bodies in England and Malta.

Administrative justice in England and Malta.

Legal remedies against public administration.

(a) English system: the Crown Proceeding Act, 1947.

(b) The French system: *Droit Administratif*.

(c) The Maltese system on the proceedings against the Crown and government departments and on the responsibility of the administrations.

Part II. The Administrative Organs of the Maltese Government

Notion of the organs of administration; general classification of such organs.

The administrative organs of the government of Malta under the Constitutions of 1939 and 1947.

Government Departments. The Treasury Act and Audit Act, No. IX of 1948.

Part III. Public Officers

Introductory. Notion of public officers and of public or Government employees. Classification of public servants in the service of the Maltese Government.

Legal character of the relations existing between the State and public servants. Various theories on the subject. Illustration of the maxim that

'public officers hold their office during the pleasure of the Crown'
Appointment and promotion of public officers. Requirements and formalities. The Public Service Commission. Cessation of the service of public officers.

Duties of public officers. Civil responsibility, criminal responsibility and administrative responsibility of public officers. Scope of the Public Officers' Guarantee Fund Ordinance. Disciplinary proceedings.

Part IV. Social and other Legislation

Brief survey of Social Legislation in Malta.

The Developed Land (Valuation) Ordinance and the War Damage Ordinance.

Part V. Fiscal Laws

Brief survey of the Maltese fiscal legislation.

The Succession and Donation Duties Ordinance.

- (a) Introductory and general arrangement of the Ordinance.
- (b) Chargeable transmissions.
- (c) Property subject to death or donation duties.
- (d) Rules for determining the actual value of chargeable property.
- (e) Notice of chargeable transmissions.
- (f) Assessment of duties.
- (g) Assessment 'ex Officio'.
- (h) Valuation proceedings.
- (i) Special safeguards.
- (j) Duties of Notaries and of the Registrar of the Superior Courts under the Ordinance.
- (k) When claim of Government for duties becomes payable; payment of duties.
- (l) Priority of the Government's claim for duties and penalties; subrogation in the rights of the Government.
- (m) Repayment of duty overpaid.
- (n) Penalties; judicial procedure for the recovery of duties and penalties.
- (o) Limitation of action for the recovery of duties and penalties and for the repayment of duty overpaid.
- (p) Powers of the Governor and the Minister.
- (q) Rules relating to Estate Duty.
- (r) Deduction of debts and incumbrances of an estate for the purpose of Estate Duty.
- (s) Rules relating to succession Duty and Legacy Duty.
- (t) Imposition of duties on special devolutions under Sections 86 and 87 of the Ordinance.
- (u) Imposition of duties on gratuitous transmissions of property under disposition 'inter vivos'.
- (v) The Succession and Donation Duties (Emergency Provisions) Ordinance No. XV of 1943.

Principles of Income Tax.

- (a) Introductory.
- (b) Income and capital.
- (c) Sources of income.
- (d) Notion of residence, ordinary residence and domicile; chargeability to the tax; basis of assessments; exemptions.
- (e) Total income; deductions allowable for determining the total income.
- (f) Special assessments.
- (g) Persons assessable.
- (h) Chargeable income; personal deductions.
- (i) The tax and additional tax.
- (j) Powers of the Commissioner of Inland Revenue.
- (k) Notices of Objection; appeals before the Board of Special Commissioners; appeals before H.M.'s Court of Appeal.
- (l) Collection of the tax and refunds.
- (m) Offences and penalties.
- (n) Rules and regulations.

Principles of the Stamp Duties Ordinance.

(26) 5. Time-table for the June 1959 examinations.

432
57 +

The chairman gave members
background information.

The Faculty Board of Laws after
mature consideration ^{unanimously} recommended that
there should be at least 3 days interval
between 1 examination & another.

(27)

6. Request by Senate to the Faculty Board of Laws to appoint
four members to give a lecture for the general public
NOTE: Senate has decided that a series of fortnightly
lectures to the general public be given by members of
the Teaching Staff, and that each faculty should
appoint 4 members to give such lectures.

113
274

The Faculty Board appointed the
following 4 members of the Teaching Staff:-
Mr. E. G. Buntell, Mr. H. Caruana Curran, Mr. J. J.
Cremone & Mr. J. M. Farado.

(28)

adjournment
The Meeting was then adjourned in vacuo

Angela Ch.

Secretary

J. J. Curran
Chairman.

Sitting 6/58

The meeting which was called for Friday 29th May 1959 at 3pm was not held owing to lack of quorum.

Members present: The Hon Mr. Justice T. Gonswey, Dr V. Sepasquale, Prof JH Murets and Dr GJ Cremona.

Apologies for absence were received from the Hon. Mr. Justice W. Harding and the Hon Mr. Just. A.V. Cawthron.

W. Harding

Sitting 8/58

The meeting which was called for Friday 5th June 1959 at 3pm was not held owing to lack of quorum.

Members present: Dr V. Sepasquale, Dr Jm. Gonswey and Prof JH Murets.

The members present agreed to adjourn the meeting to Thursday 11th June 1959 at 12 noon.

W. Harding

Sitting 8/58

Meeting held in the aula concilii on 11th June, 1958 at noon. The Meeting was held in terms of article 55 of the Statute.

Members present:

Prof. Grales in the chair, Dr. E. Invernizzi, Dr. V. Sepasorda, Dr. J.M. Garodo and later Prof. V. Carrara
an apology for absence was received from the justice Gull.

AGENDA

1. ✓ Minutes
2. ✓ Matters of urgency
3. ✓ Award of a Travelling Scholarship in terms of Article 198 of the Statute for the Course of Laws 1953-58.
- Recommendation to Senate.
4. ✓ Syllabus for the Diploma of Legal Procurators 1959/60.
(Enc. 2/58 already circulated).
5. ✓ Thesis for the Course of Laws.

(29) Minutes (Item 1)

After prayers, the minutes of the previous meeting were read, confirmed & signed.

(30) Matters of urgency.

There were no matters of urgency.

(31) At this stage Prof. Carrara ~~therefore returned~~ joined the sitting.

3. Award of a Travelling Scholarship in terms of Article 198 of the Statute for the Course of Laws 1953-58.
- Recommendation to Senate.

The Board took the following decisions:-
a) to recommend to Senate the deletion of the words "in each subject" in article 198 (ii) in order to obviate

223
57^x

the possibility of a slack of interpretation
with article 185.

(b) to recommend the award of the
prize to Miss Tina Vella.

(33)

4. Syllabus for the Diploma of Legal Procurators 1959/60.
(Enc. 2/58 already circulated).

175
120¹⁵

The following syllabus was
approved:-

ML (1958-59) 2

THE ROYAL UNIVERSITY OF MALTA
COURSE FOR THE DIPLOMA OF LEGAL PROCURATORS
SYLLABUS for 1956-57 59/60

LAWS OF ORGANIZATION and CIVIL PROCEDURE

Lecturer: M. Caruana Curran, Esq., LL.D., B.A.

One written paper and an oral test

Maximum - 200 marks

Introduction

General idea of the Laws of Procedure; fundamental principles.
Judicial authority; jurisdiction and competence.

Part I.

Civil jurisdiction of the courts.
Organization of the judicial authority and of the several Law Courts.
Limits of their respective competence with regard to the degree, the
matter, the value, the territory.
The Judges; appointment, removal, abstention and recusation.
The Auxiliaries in the administration of Justice: the Registrar, the Mar-
shal, the Archivist.
The parties: capacity and *persona standi in iudicio*, intervention in a
cause, transfer of suits.
Representation of a party to a suit; curators *ad litem*.
Incapacity of the parties and defect of representation.
Proceedings *in forma pauperis*.
Respect due to the Courts.

Part II.

General provisions common to written pleadings and to all other acts of
procedure; judicial deposits.
General provisions with regard to judicial delays, holidays, sessions and
vacations, and oaths.
Sanctions of the Laws of Procedure; nullity of Judicial Acts.

Part III.

Proceedings by way of libel and by way of petition; the conclusion of
the cause; security for the cost of the proceedings.
Proceedings by way of writ of summons.
Application of the different modes of proceeding to the respective Courts.
Contestation of the action.

Exceptions in general and in particular.
Evidence in general.
Witnesses.
Documentary evidence.
Evidence by means of referees.
Inspections on the spot.
Evidence by confession or by the oath of either of the contending parties.
Presumptions.
Judgments and decrees: general rules, effects.
Remedies against judgements and decrees.
New trial: judgments.
Renunciation of acts.

Part IV.

Execution of judgments in general.
Warrants of seizure; executive garnishee order; judicial sale; warrants of ejection from immovable property.
Warrants *in factum*; warrants of imprisonment for debt.
Enforcement of judgments of tribunals of countries outside these Islands.

Part V.

Precautionary acts in general.
Warrant of description, of seizure, of garnishee order, of impediment, of departure, of prohibitory injunction, of arrest on suspicion of absconding *meditatio fugae*; protest and judicial letter.

Part VI.

Non-contentious proceedings; general idea and provisions common to all such proceedings.
Appointment and confirmation of tutors, curators and other administrators.
Interdiction and incapacitation.
Presentation and publication of secret wills.
Declaration of the opening of a succession.
Inventories.
Disentailment and other proceedings in the matter of entailed property; The Entailed Property (Disentailment) Act, 1950 (Act N. XII/50).

Part VII.

Special procedures in commercial matters.

CRIMINAL PROCEDURE

Lecturer: M. Caruana Curran, Esq., LL.D., B.A.

One written paper and an oral test

Maximum – 200 marks

Introduction

General notion, position, elements, object and partition of criminal procedure.

Part I.

Jurisdiction, character, degree, organs.

Competence, notion, conflict of competence.

The Executive Police: powers and duties, arrest, search, presentation of persons accused, Habeas Corpus Act.

The Judge; technical and popular jurors; duties; guarantees, *recusatio iudicis*.

Part II.

The Parties and the Defending Counsel

The parties; notion in criminal proceedings.

Counsel for defence.

The Advocate for the Poor.

Part III.

The Origin of Criminal Proceedings

The *notitia criminis*; report, information; complaint.

Criminal action: notion, object, features, exercise, conditions and exceptions.

Obstacles to the exercise of criminal action.

Extinction of criminal action.

Pleas: preliminary pleas and pleas regarding the general issue.

Proceedings before the Courts of Judicial Police as Courts of Criminal Judicature.

Appeals from sentences and decrees of the Courts of Judicial Police sitting as a Court of Criminal Judicature: notion, periods, rules, hearing,

Criminal inquiry: fundamental rules, mode of collecting evidence, establishment of the *in genere*, inquest, *reperit*, search, period, conclusion.

Provisional release of the accused under arrest: bail, effect.

Bill of Indictment: form, period for the filing of same.

Proceedings before H.M.'s Criminal Court: jury, empanelling of the jury, reading of the indictment, examination of witnesses, summing up by the Court, deliberation of the jury (verdict), questions to be examined, legality of the verdict, declarations by the jury, error or defect of declaration, new trial.

Sentence: requisites, execution of sentences, conditional release, forfeiture, relapse, costs and expenses.

Part IV.

Evidence

Notion of evidence: kinds, presumptions; the evidence of the accused party.

• Witnesses: competence, admissibility, exemption, oath; examination of witnesses.

Evidence of accomplices; confessions: kinds, conditions, effect; King's evidence.

Circumstantial evidence: kinds.

Documentary evidence: notion, kinds.

(34)

5. Thesis for the Course of Laws.

276
12

The Board took into consideration the requests of Mr. Michael Stapace and Mr. Ronald Abdella, and agreed as follows:-

a) Mr. Michael Stapace

The Board approved the title of the thesis "The Plea of Insanity in the Criminal Law of Malta". They appointed Dr. J. J. Cemma tutor, and Dr. M. Camilleri Curran and Dr. Patricia Gauder examiners.

b) Mr. Ronald Abdella

The Board approved the following title: "The contract of hiring of domestic servants, workmen and other employees". They appointed Dr. Devesquell tutor, and Prof. Camilleri and Dr. J. J. Gauder examiners.

agreement

(35)

The meeting was adjourned and the

Angus A. B.
Secretary

V. Lawrence
Chairman

Sitting 9/58

Meeting held in the Aula Concillii on Friday 17th July, 1959, at 12 noon.

Members present:

Professor V. Caruana (Dean) in the Chair,
Dr V. Depasquale,
The Hon. Mr Justice T. Gouder,
The Hon. Dr J.J. Cremona,
The Hon. Mr Justice A.V. Camilleri, and
Dr J.M. Ganado.

An apology for absence was received from the Hon. Mr Justice W. Harding.

AGENDA

1. Minutes
2. Matters of urgency
3. Examination of thesis by Mr J. Micallef Stafrace.

36. Minutes (Item 1)

The reading of the minutes was postponed to another sitting.

37. Examination of thesis by Mr J. Micallef Stafrace. (Item 3)

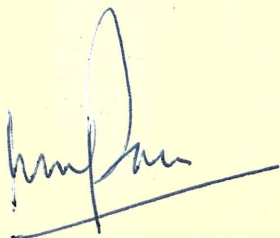
The Chairman read out the report of the examiners on the thesis by Mr J. Micallef Stafrace.

The oral examination of the candidate was conducted by the members present.

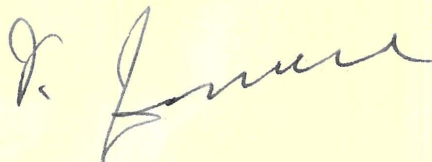
The candidate was approved.

38. Adjournment

The meeting was then adjourned sine die.



20.7.59



THE ROYAL UNIVERSITY OF MALTA
FACULTY BOARD OF LAWS

SITTING 10/58

Meeting held in the Aula Concilii on Monday, 5th October, 1959, at 4 p.m.

Members present: Prof. V. Caruana (Dean), in the Chair,
Dr. V. DePasquale,
The Hon. Mr. Justice T. Gouder,
The Hon. Dr. L. Galea,
Dr. J.M. Ganado,
and later
The Hon. Mr. Justice A.V. Camilleri.

A G E N D A

1. Minutes
2. Matters of urgency
3. Examination of thesis by Mr. Ronald V. Abdilla.

39. Minutes (Item 1)

The reading of the minutes was postponed to another Sitting.

40. Matters of Urgency (Item 2)

There were no matters of urgency.

41. Examination of thesis by Mr. Ronald V. Abdilla (Item 3)

276/57.
The Chairman read out the examiners' report on the thesis "The Rendering of Services" submitted by Mr. Ronald V. Abdilla.

The Oral examination of the candidate was conducted by the members present.

The candidate was approved.

42. Adjournment

The Meeting was then adjourned sine die.

D. Caruana

PRIVATE: For the information of members of
the Faculty Board only.

THE ROYAL UNIVERSITY OF MALTA

MINUTES

of the

Faculty Board of Laws

held on

Friday, 11th December, 1959

at 3.00 p.m.

Members Present: Prof. V. Caruana (Dean) in the Chair,
Dr. E. Busuttil, Prof. F. Cremona,
Prof. J.J. Cremona, Dr. V. DePasquale,
Prof. J. Galea, The Hon. Dr. L. Galea,
The Hon. Mr. Justice T. Gouder
and later Dr. J.M. Ganado.

Apologies for Absence: Apologies for absence were
received from:
The Hon. Mr. Justice A.V.
Camilleri and The Hon. Mr.
Justice W. Harding.

1. MINUTES (Item 1 of the Agenda)

The Minutes of the Meetings of the Faculty Board of Laws
held on 11th June, 1959; 17th July, 1959 and 5th October,
1959, were READ, CONFIRMED and SIGNED.

2. Matters of Urgency (Item 2 of the Agenda)

There were no matters of Urgency.

3. Conditions to be inserted in the call for applications for
the following posts:-

- (i) Chair of Civil Law
- (ii) Chair of Criminal Law
- (iii) Lectureship in Administrative Law
- (iv) Lectureship in Canon Law

(Item 3 of the Agenda - File No.248/59)

The Chairman

INFORMED

the members that

- Senate (a) asked the Faculty Board of Laws to prepare conditions to be inserted in the call for applications in respect of the vacant posts;
- (b) informed the Faculty Board of Laws that it was desirable that the vacant posts be filled by persons who do not occupy a full-time post with Government;
- and (c) informed the Faculty Board of Laws that if it was decided to utilize the services of the Lecturer in Canon Law appointed for the Faculty of Theology it might be possible to utilize the vote earmarked for the Lectureship in Canon Law for a more important Lectureship.

After considering Senate's requests the Faculty Board of Laws
AGREED

to recommend to Senate that the following conditions be inserted in the call for applications in respect of the vacant posts:-

- that (i) Candidates must be in possession of the LL.D. degree of the University of Malta;
- (ii) Candidates may be required to proceed abroad for a period of not more than one academic year, under the usual conditions;
- (iii) candidates may be subjected to a written and an oral test.

The Board also
AGREED

- (a) that it would like to direct the attention of the Senate to the motion unanimously carried by the Faculty Board of Laws at its meeting of the 27th February, 1958, (F.B. of Laws Minute 35/58)
- (b) to recommend to Senate that the full-time post should be that of the Head of Department of Public Law.

The Faculty Board
AGREED

to postpone discussion on the Lectureship of Canon Law, pending Senate's views on the above recommendations.

4. ADJOURNMENT

The Meeting was then adjourned sine die.

Nimmer

29th January, 1960.

PRIVATE: For the information of members of
the Faculty Board only.

THE ROYAL UNIVERSITY OF MALTA

MINUTES

of the

Faculty Board of Laws

held on

Friday, 29th January 1960 at

3.00 p.m.

Members present: Prof. F. Cremona in the Chair,
The Hon. Mr. Justice A.V. Camilleri, Dr.
V. DePasquale, Prof. J. Galea and the Hon.
Mr. Justice T. Gouder and later Dr. E.
Busuttil, The Hon. Dr. L. Galea and Dr.
J.M. Ganado.

Apology for absence: An apology for absence was received from
The Hon. Mr. Justice W. Harding.

MINUTES

(Item 1 of the Agenda)

5. The minutes of the meeting of the Faculty Board of Laws held on Friday, 11th December 1959 were signed by the Chairman as a correct record of the proceedings of the Meeting.

ARISING OUT OF THE MINUTES

(Item 2 of the Agenda
File 248/59)

Vacancies existing in the Faculty of Laws

6. The Chairman

INFORMED

the members of the Faculty Board that Senate had asked the Vice-Chancellor to transmit to the Chairman of the Royal University of Malta Commission the desirability to report on the Faculty of Laws.

The Chairman

REPORTED

that on the recommendation of the Faculty Board of Laws Senate resolved that the full-time post in the Faculty be that of the Head of Department of Public Law.

The Board RECEIVED the information.

MATTERS OF URGENCY

(Item 3 of the Agenda)

7. There were no matters of urgency.

PROPOSAL TO REDUCE THE NUMBER OF EXAMINERS FROM THREE TO TWO
(Item 4 of the Agenda - File 227/59)

8. The Chairman

REPORTED

that Senate discussed the proposal to reduce the number of examiners from three to two, and resolved to ask the Faculty Boards:

- (a) to consider the importance of the subject studied in the various courses followed in the Faculty,
and (b) to report to Senate which Examining Boards could be reduced to two members only.

Following a discussion, the Faculty Board

AGREED

to inform Senate

- (a) that for the purpose of examinations all subjects studied have the same importance,
and (b) that the Faculty Board is of the opinion that the present number of examiners should be maintained; as an even number would be impracticable in view of the possibility of disagreement between the examiners, particularly in Oral Tests.

ADJOURNMENT

9. The meeting was then adjourned sine die.

J. L. Luman

4th May, 1960.

PRIVATE: For the information of members
of the Faculty Board only.

THE ROYAL UNIVERSITY OF MALTA

MINUTES

of the

Meeting of the Faculty Board of Laws

held on

Wednesday, 4th May 1960

at 3.30 p.m.

Members present: Prof. V. Caruana (Dean) in the Chair,
Dr. E. Busuttil, Prof. F. Cremona,
The Hon. Prof. J.J. Cremona, Dr. V.
Depasquale and Dr. J.M. Ganado.

Apologies for absence: Apologies for absence were received
from the Hon. Mr Justice A.V.
Camilleri, The Hon. Mr Justice T.
Gouder and the Hon. Mr Justice
W. Harding.

MINUTES

(Item 1 of the Agenda)

10. The minutes of the meeting of the Faculty Board of Laws held on Friday 29th January, 1960, which had been circulated to members, were taken as read and were signed by the Chairman as a correct record of the proceedings of that Meeting.

MATTERS OF URGENCY

(Item 2 of the Agenda)

11. There were no matters of urgency.

Boards of Examiners (October 1960 - September 1963) -
Course of Laws

(Item 3 of the Agenda - File 300/50)

12. The Chairman
INFORMED
the members that reports on the Boards of Examiners were submitted as follows:-

<u>Board</u>	<u>Report submitted by:</u>
(a) Prolegomena and Roman Law	Dr. J.M. Ganado
(b) Criminal Law	Prof. J.J. Cremona
(c) Constitutional Law	Prof. J.J. Cremona
(d) Civil Law	Prof. V. Caruana
(e) Administrative Law (including Fiscal Law)	Prof. V. Caruana
(f) International Law (Public)	Dr. E. Busuttil
(g) International Law (Private)	Dr. E. Busuttil
(h) Commercial Law (including Maritime Law)	Prof. F. Cremona

- | | |
|---|--|
| (i) Canon Law | Prof. V. Caruana and
Rev. Prof. A. Tabone |
| {j} Forensic Medicine | Prof. J. Galea |
| {k} Commercial Procedure
and Bankruptcy Laws | Prof. F. Cremona |
| (l) Laws of Organisation
and Civil Procedure | Prof. V. Caruana |
| (m) Criminal Procedure | Prof. J.J. Cremona |

13. Reports for the following Boards of Examiners were not received:-

- {a} Science of Law,
{b} History of Legislation in Malta and in England.

14.

The Chairman

READ

the respective reports, and the
Faculty Board

AGREED

to recommend to Senate that the Boards of Examiners
(October 1960 - September 1963) for the Course of
Laws be appointed as follows:-

(a) Prolegomena and Roman Law

Examiners:- Dr. J.M. Ganado (Chairman)
Sir L. Camilleri
Judge Prof. Ganado

Supplementary Examiners:-

Mr Justice T. Gouder
Mr Justice A. Magri
Dr. E. Busuttil
Dr. V. Depasquale

(b) Criminal Law

Examiners:- The Hon. Prof. J.J. Cremona (Chairman)
Sir L. Camilleri
Magistrate S. Vella

Supplementary Examiner:-

Dr. M. Caruana Curran

(c) Criminal Procedure

Examiners:- The Hon. Prof. J.J. Cremona (Chairman)
Sir L. Camilleri
Magistrate S. Vella

Supplementary Examiner:-

Dr. M. Caruana Curran

(d) Constitutional Law

Examiners:- The Hon. Prof. J.J. Cremona (Chairman)
The Hon. Mr Justice W. Harding
The Hon. Dr. I. Galea

Supplementary Examiners:-

Dr. H.W. Harding
Dr. E. Busuttil

(e) Science of Law

Examiners:- The Hon. Prof. J.H. Xuereb (Chairman)
Mr Justice T. Gouder
Dr. E. Busuttil

Supplementary Examiner:-

Magistrate G.F. Gouder

(f) Civil Law

Examiners:- Prof. V. Caruana (Chairman)
Sir L. Camilleri
Judge Prof. E. Ganado

Supplementary Examiners:-

Mr Justice T. Gouder
Dr. J.M. Ganado
The Hon. Dr. L. Galea

(g) Administrative Law

Examiners:- The Lecturer (Chairman)
Dr. V. Gatt
Mr Justice T. Gouder

Supplementary Examiners:-

The Hon. Dr. L. Galea
Mr Justice A.V. Camilleri
Dr. W. Gulia

(h) International Law (Public)

Examiners:- Dr. E. Busuttil (Chairman)
Mr Justice Montanaro Gauci
Dr. V. Depasquale

Supplementary Examiner:-

Dr. G. Felice

(i) International Law (Private)

Examiners:- Dr. E. Busuttil (Chairman)
Mr Justice Montanaro Gauci
Dr. G. Felice

Supplementary Examiner:-

Dr. V. Depasquale

(j) Commercial Law (including Maritime Law)

Examiners:- Prof. F. Cremona (Chairman)
Mr Justice Harding
The Hon. Prof. J.H. Xuereb

Supplementary Examiners:-

Mr Justice T. Gouder
The Hon. Prof. J.J. Cremona

(k) Canon Law

Examiners:- The Lecturer (Chairman)
Mr Justice Flores
Mr Justice A.V. Camilleri

Supplementary Examiner:-

The Hon. Dr. L. Galea

(l) Forensic Medicine

Examiners:- Prof. J. Galea (Chairman)
Mr Justice W. Harding
Mr Justice T. Gouder

Supplementary Examiners:-

The Hon. Prof. A.J. Mamo
Magistrate Vella

(m) Laws of Organization and Civil Procedure

Examiners:- Prof. V. Caruana (Chairman)
Sir L. Camilleri
Judge Prof. E. Ganado

Supplementary Examiners:-

Mr Justice T. Gouder
Dr. J.M. Ganado
The Hon. Dr. L. Galea

(n) Commercial Procedure and Bankruptcy Laws

Examiners:- Prof. F. Cremona (Chairman)
Mr Justice Harding
The Hon. Prof. J.H. Xuereb

Supplementary Examiners:-

The Hon. Prof. J.J. Cremona
Mr Justice T. Gouder

(o) History of Legislation in Malta and in England

Examiners:- Dr. H. Harding (Chairman)
Mr Justice Montanaro Gauci
The Hon. Dr. L. Galea

Supplementary Examiners:-

Mr Justice A.V. Camilleri
Dr V. Depasquale

BOARD OF EXAMINERS (OCTOBER 1960 - SEPTEMBER 1963) -
Course of Legal Procurators

(Item 4 of the Agenda - File 310/59)

15.

The Chairman

READ

the report submitted by Dr. M. Caruana Curran
and the Faculty Board

AGREED

to recommend to Senate that the Boards of Examiners
(October 1960 - September 1963) for the Course of Legal
Procurators be appointed as follows:-

(a) Laws of Organisation and Civil Procedure

Examiners:- Dr. M. Caruana Curran (Chairman)
Sir L. Camilleri
The Hon. Dr. L. Galea

Supplementary Examiner:-

The Hon. Prof. J.H. Xuereb

(b) Criminal Procedure

Examiners:- Dr. M. Caruana Curran (Chairman)
Sir L. Camilleri
The Hon. Dr. L. Galea

Supplementary Examiner:-

Magistrate S. Vella

(c) Civil, Criminal and Commercial Law

Examiners: Dr. M. Caruana Curran (Chairman)
Sir L. Camilleri
The Hon. Dr. L. Galea

Supplementary Examiner:-

The Hon. Prof. J.H. Xuereb

LECTURESHIP OF FORENSIC MEDICINE

(Item 5 of the Agenda - File 382/59)

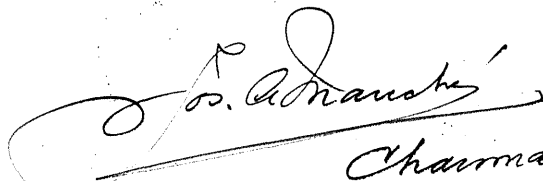
16. The Chairman
REPORTED
that Senate had referred to the Faculty Board the
vacancy which will arise in respect of the Lectureship in
Forensic Medicine in July 1961; when the present lecturer
will reach the age of 60 years.
17. The Faculty Board unanimously
AGREED
to recommend to Senate that the appointment of the present
lecturer be extended.

SEMINARS IN CRIMINAL LAW FOR THE COURSE OF LAWS 1959/60 -
1963/64 (Item 6 of the Agenda)
(File 385/59)

18. The Chairman
REPORTED
(a) that the Hon. Prof. J.J. Cremona was holding a
series of Seminars in Criminal Law for the students
following the Course of Laws (1959/60 - 1963/64), and
(b) that the first Seminar was held on 7th April, 1960
and the second Seminar was held on the 28th April,
1960.
19. Following the Chairman's invitation, the Hon. Prof.
J.J. Cremona
STATED
(a) that he initiated these Seminars to help the
students appreciate the practical working of the
criminal law, to train them to develop independent
critical power in the understanding and application of
the criminal law and to promote the exchange of
considered views,
(b) that the very keen interest shown by the students
was a most encouraging sign,
(c) that he intends to make these Seminars a permanent
institution, and
(d) that further Seminars will be held during the
month of May.
20. The Faculty Board
RECEIVED **with approval**
the information.

ADJOURNMENT

21. The meeting was adjourned sine die.


Chairman
5.10.60