

MEMORANDUM FOR THE CABINET

BY THE MINISTER OF JUSTICE

(Mortmain Law - Exemption)

1. By virtue of a deed received by Notary Dr J. Busuttil on the 17th September, 1962, Maria Antonia Grima donated to the Basilica Santuario "Madonna ta' Pinu", in Gozo, the house at No.2, Gharb Street, Gharb, Gozo, together with an annexed field measuring 3 mondelli, this property being subject to a perpetual yearly groundrent of 16s/8d, and another field measuring nine mondelli, bounded on the North by the field referred to above, on the East by the public road and on the South by property belonging to Giorgio Vella, the latter field being also subject to a perpetual yearly groundrent of 16s.8d.

2. The said property must be sold or definitely and absolutely disposed of by the said Church, in terms of section 2 of the Mortmain Law, within one year from the date of actual acquisition, that is to say, by not later than the 16th September, 1963. If this is not done, the penalty is, under section 4 of the said law, "ipso facto" forfeiture to the Government.

3. Section 8 of the said law, however, provides that the Governor may, on the recommendation by resolution of the Legislative Assembly and with the concurrence in writing of the competent Ecclesiastical Authorities, exempt by Proclamation any Church from the operation of the said law in respect of any immovable property.

4. Monsignor Lawrence Portelli, in his capacity of Rector of the Basilica - Santuario "Madonna ta' Pinu" is petitioning Government in order that the exemption contemplated in the said section 8 of the Mortmain Law be granted in the present case in relation to the property described above and donated to the said Church as stated above. This would enable the said Church to retain the property under reference. The scope envisaged in the petition is that "of forming a museum with a view to housing therein all articles having an intrinsic relation with the life of Carmela Grima" to whom Our Lady had manifested herself. The concurrence of the Bishop of Gozo who, in the present case, is the competent Ecclesiastical Authority, has been produced.

5. The Minister of Justice recommends the said petition in view of the purpose expressed therein. Hon. Ministers are asked to signify their concurrence in order that the attached Resolution may be brought before the Legislative Assembly for approval.

10th November, 1962.

R E S O L U T I O N  
OF THE LEGISLATIVE ASSEMBLY

WHEREAS by virtue of a deed received by Notary Dr John Busuttil on the 17th September, 1962, Maria Antonia Grima donated to the Basilica-Santuario "Madonna ta' Pinu", in Gharb, Gozo, the house at No.2, Gharb Street, Gharb, Gozo, together with an annexed field measuring 3 mondelli and another field, measuring nine mondelli, bounded on the North by the field referred to above, on the East by the public road and on the South by property belonging to Giorgio Vella;

AND WHEREAS Monsignor Lawrence Portelli, in his capacity of Rector of the said Basilica-Santuario "Madonna ta' Pinu", has, with the concurrence of the competent Ecclesiastical Authorities, applied for exemption from the obligation of selling the said property and for authorisation to hold and enjoy the said property without the restrictions laid down in the Mortmain Law (Cap.2), for the purpose of the foundation of a museum inherent to the history of the said Church;

RESOLVED in terms of section 8 of the Mortmain Law that the Rector of the Basilica-Santuario "Madonna ta' Pinu" be authorised to hold and enjoy the property described above, notwithstanding the provisions of the Mortmain Law, so long as the said property is used for the object above stated, that is to say, the foundation of a museum inherent to the history of the Basilica-Santuario "Madonna ta' Pinu".

L-Arkivji Nazzjonali ta' Malta