

## MEMORANDUM FOR THE CABINET

BY THE HON. MINISTER OF JUSTICE

## Restoration under the Mortmain Law

1. The Parish Church of Qala, Gozo, acquired by title of legacy on the death of the late Very Reverend Joseph Vella, that is to say, on the 12th August, 1955, a plot of land measuring one mondello at St Joseph Street, Qala, bounded on the South by property of the heirs of the said Reverend Vella, on the East by property of Coronato Portelli and on the West by St Joseph Street. The said land was bequeathed to the said Parish Church by will published by Notary Francesco Gauci on the 29th March, 1943.

2. By certificate dated the 4th August, 1956, His Lordship the Bishop of Gozo approved of the said acquisition and of the purpose thereof which was the building of an "Oratory" for the teaching of Catechism to the boys and girls of the said village.

3. In view of the said certificate, the Parish Church of Qala was exempted under the provisions of section 7 of the Mortmain Law from the obligation to definitely and absolutely sell or dispose of the said plot of land within one year of acquisition and was authorized to retain it for use within scope of the said certified purpose.

4. The Parish Priest of Qala, by a letter to the Attorney-General of the 24th September, 1963, informed the Government that he has made alternate arrangements for the purpose stated above and that, consequently, the said land is no longer required for such purpose and that he has already taken action for the sale thereof.

5. The legal position at present is that the said land has been forfeited to the Government, once it was neither used within the scope of section 7 of the Mortmain Law nor sold or disposed of within the time-limit of one year from acquisition prescribed in section 2 of the same law.

6. The Reverend Angelo Camilleri, Procurator of the Parish Church of Qala, Gozo has therefore, applied for the restoration of the plot of land under reference to the said Church in order that he may sell it in his said capacity. Such restoration is possible under section 9 of the Mortmain Law which provides that it shall be lawful for the Prime Minister, on the recommendation by resolution of the Legislative Assembly, to order restoration to the Church concerned of property forfeited to Government, if such Church shows that its failure to sell the property within one year of acquisition was unintentional and if no undue delay occurs in making an application for the restoration of the forfeited property.

7. The conditions to which the exercise of the power of restoration is subordinated seem to occur in the present instance and the Honourable members of the Cabinet, therefore, are requested to approve that the attached resolution be submitted to the Legislative Assembly for the purpose of restoration as aforesaid.

21st December, 1963.

cc

L-Arkivji Nazzjonali ta' Malta

RESOLUTION OF THE LEGISLATIVE ASSEMBLY

WHEREAS by virtue of his will in the records of Notary Francesco Gauci of the 29th March, 1943, the late Very Reverend Joseph Vella bequeathed by title of legacy to the Parish Church of Qala, Gozo, a plot of land measuring one monello at St Joseph Street, Qala, Gozo, bounded on the South by property of the heirs of the said Reverend Vella, on the East by property of Coronato Portelli and on the West by St Joseph Street;

AND WHEREAS the said property was acquired by the Parish Church of Qala, Gozo, on the 12th August, 1955, which is the date of the death of the said Very Reverend Joseph Vella;

AND WHEREAS the Parish Church of Qala, Gozo, failed to definitely and absolutely sell or dispose of the said plot of land within the time of one year from the said date of actual acquisition as laid down in section 2 of the Mortmain Law and, consequently, the said plot of land was ipso facto forfeited to the Government;

AND WHEREAS the Reverend Angelo Camilleri, Procurator of the Parish Church of Qala, Gozo, has made an application for the restoration to the said Parish Church of the said property and has shown that the failure of the said Parish Church to comply with the provisions of the Mortmain Law within the period of one year from the acquisition of the said property was unintentional and no undue delay has occurred in making the said application;

RESOLVED in terms and for the purpose of section 9 of the Mortmain Law that the plot of land above referred to and described be restored to the Parish Church of Qala, Gozo.