20 ta $^{0}$ Margu. 1046.
Imballef:

1. Ome Dr. W. Hastime B.IAtt. LL.D.


## 






 hefinition bit-rwithat parmali thl-puti.
 19
 Hili bleuntrat H-a, ti tamNutar Vietor Bisazaa lat-3 ta' Dicembru 1943 huma khoncten lil-kontenit, bititolu id ceas petpetwt, éewg perzjonifet mill-ghatya mejba "Ta" Cra-
 peris li dmant li thum ghadha oera l-gwerra aumb-Germanja i-knavenur ikun oblyat theids nots iceens; illi l-gwerre melGermanim spicial fit-6 ta Meiju 1945, numa l-kauvenut jippretendi li ghandu jubqa' jbailas nofs ic-cens; a talbu li gharraguni Ii I-gwerta mal-Germanja spiciat fit-o ta Mejju 1945,

 porzjonitet tas-it fabrrikabiin fuy im-ermul. Bl-ispejjez kontra l-konvenul, u hi-ordni lillistes- biex jidher ghas-subizzjowl ;

## Omiseis;

## Iktennidret;

Illi l-pant kenvovers filin if-katiza bu jeld bilkliem "hun at li kan ghatha sejra láwrra mab-Germanja", li hemm fi-kunirat eazibi in kopja foi 4. ii-pa"tijiet riedux. kif juppetendi 1 -konvenut, ifism z-zimien meta jsir it-trattad formali talpaci. jew, kif isonthi l-atur, meta flefatt jispiccaw hoortitajim mal-Germabja. 11 -pont ma bux ghall-konsenut ta impurtansa his akkalemaka. statiex sond il-kun.
 jibue I-perijodu indikits hit-klem dibettuti;

 cipju honoxxut ta e"parmwtika legat emmejat hekk filkawda "Hodger vs. Varer". 1 Kins ${ }^{\text {cs }}$ Bereh. Du6, $1942:-$ "............. prima facie", words must be taken to have been ased in their ordimary and grammatial sense". Meta a-sens ordinarju hu car. u ma jetbx avardita jew inkoncistenza man'festa ma!-klawsoli loitra tel-knntatt. allurs ghandu jigi serwit dak is-sells ; phaliex wiehed gbandu jipprebumi li l-par-
 $\therefore$ "zajonali u specjali, imma fis sens aghthom ordinarju;

Illi apperti mi filkliem koniroveri ma jissemmew blcbda mod il-paci jew it-trattal tal-paci. A-klam fobom infu-.

 Eurtijet, Fiond lu-detinaz,oni ta G:o.ths (De Jure beut ac
 "diltorza ta" l-urmi";

1ll hu veru, dotrinaimeni, illi hemm dimingioni bojn ic
 veru the meta wiehed tyhid "gwerry", ifiser, filporler andi-
 of Luternational Law, pag. 271), juifferi "an armed conteat between stites..............' '; $\mathbf{u}$ ehalhekk it-iniem tal-gwerra ffisier ordinarjament it-tmiem tal-konieza anmeta;
 La, ghaitex il-kelma $\because$ sejra" fil-1rażi "twun ghadhe eqjrw l"Werra" ghandha fil Math seng "ativ". Hekk, riferite ghyl sperlakolu kwalnukw., meta wiehed ighid "il-filen fadu eejjer", "il-partita ghadha sera", ifiseer konlmwatajoni ta" atel "attiv". Hekk nkoll bil-klitm "tkun ghadhat sejra l-gwerrs" wielied ma jixiax, bla ma jiddeforma s-sens ordinarju u jimpropifa l-komprenojoni logika, jifhem il-kontinwarsjopi teoriKa lis stat ta werra fi stat passiv, umma ghandu jifhem. ilkontinwazzjoni ta' i-ostiitajjet $\mathrm{f}^{\prime}$ sens ativ ta* gwerregian;

Hlli data; s-kelis tal-kiem hu konformi mas l-intengioni vemomil makontrawti; shaliex kienet tkun ezageramenon b b davin al-kli+m. lirkk cut u semplici, wiehed ighid li l-
 'ajoe u faei f tratat formaii;

Ikkunsidiat;
I!li l-antimazi utticjaii, li tolala li dehru fil-Gasente tal. Grem il-korti tista" luehu "judicial notice" taghhom, jkbontromaw din ifvalutis. I: H-istess hin jistabbilixxu d-de:a is \#bambla thedet mita l-pati konhrovers. Is-Eciellenza Tie-
 ;hu r'Re fit-i ta' Mejiu 1945, hekk beda:- "On the condusion of hosilities and the utter defeat of the onemien of You" Napesty in Hurope..........." (G.N. 216 ta' 1-1945).
 Ah-Kolonit t: I Impern Ingliz, hekk beda:- "The utter defeat anm bmondmual sirrender of Germany brings to an
ent one piane of a war which themenod the sery exsuence of the Britinh Comurnwemitn..............." (A-fazi l-ahra kiethe: allura l-gwerra mal-cappun)

Ikrunuidrat ;
L.4 shond it-verbal fol. 13, il-konventi offa provi tastinonjeh biex juprova ill binkhem in kwistjons I-pertijet riedu jinuru mette soir id-puci dafinitiva bit-tentat formuli tal. putir

Llii l-Qorti ta' Appell, preajeduia minn Bir Adrien Dinelı mu" Inhallin Dr. Xuereb u Dr. Gawn fil-kawia "Mifsud ys. Galea Naudi", maptugha fit-12 ra' Dicembru 1883 , henet qule: :- "the di regola, quandu una convenaione é fatia in iscritio, la :isoinzione di qualuayue dubbio si deve mercare nella wiritura medesima, racciando da esge l'intenziōie delbe parti; e finché una tale rivoluzione ef powibile col necenewrio grado di certeze anorbe, bon è lecito di rioortere ad altri meani in provis wenti i'tietto di coniroddire is scrittura, o di asiangervi o di suttrarvi alcuns como';

Hhr f'den il-kiż h-kliem hume. fil-fehma cal-qorti, gharragunijet fuy m.guba, cari; u ghalhekt wietied ma ghandux fittex inierpretazajoni barra mill-konvenzjoai;
lthi, kif intqal tajeeb fil-kiteb "Words and Phrases Judirialy Defined", kompilat minn Burrows, Edan oni 1943, fi!1'relazju, taht $\$-intestatura "Interpetation of Documents", pagina 3, dwar ir-regoli ta. l."Interpretation":- "It cannot he' 100 often emphavised that they figifieri r-regoli ta' l-inter. preazajoni) are employed io onder to interpen ubscure lan.


IKkunsidrat;
1lli x'kien jaqbel lill-konvenut if jagtutel ma bijiex ratimu bex il-konvenzoni tigi interpretat favorevolment ghahih; ghaliex, kif intyal 'loce. cet.). "In every case the Courts are placing a meaning on the srords used, and, however bencvolputly indined, are not entitled pirhe- to ramake the instrument or to ignore the plain meaning of words";

Tkinunsidrat:
Ill b'Order in Coumeil tal.Il ta' Amplu 1945 gie nabblint uticjamen: illi d-data rat-tmiem lal-gwerra mal-Germanja liga thk tall-9 ta" Mlejiu 1945;

Ghel dawn il-motivi;
Prevju r-rigett tal-prove temimonjali;
Tiddecidi;
Billi tilqu' t-tialba, o tiddrkjara ili mid-9 ta' Mejju 1945 , A-konvenut lat obligat ifullas icicens intior tal-ford imsemmi he-citasajoni; bl-mpeifi kontra tieghu.

