

A GLIMPSE OF THE LONDON LAW COURTS

Last August found me in London on a mission for the Government. Time between appointments permitted of my spending two mornings in the Law Courts, on the Strand. Although it was during Long Vacation, several special sittings were being held in order to dispose of some of the numerous divorce actions that had accumulated.

The first court I visited was presided over by Mr. Justice Bucknill.¹ Here the inevitable aftermath of war was beginning to show itself. In progress was a lengthy and vigorously-contested divorce suit in which the principals were an army officer who had been in the withdrawal from Dunkerque, in 1940, and his wife of a few years. In the next court-room seen, Mr. Justice Merriman,² President of the Probate, Divorce and Admiralty Division, was presiding. Many counsel, solicitors, litigants and witnesses were present. Motions for decrees absolute were heard first and then the Court settled down to the hearing of divorce petitions in which desertion seemed to be the ground usually urged. Again members of the armed forces figured largely on one side or the other. The procedure was quick and the President's experience in trials of this nature was apparent. In one respect the method followed in examining in chief might have met with objections from the Bench in a Canadian court-room. Plaintiff's counsel would read out statements from a memorandum and ask him if they were correct. This would lead to a simple affirmative by the witness. Such statements included more than the ordinary introductory ones calculated to save time and to which there can usually be no objection. They sometimes embraced the principal allegations on which a petition was based and were definitely "leading". However, the Court did not seem to mind.

A woman barrister was almost the busiest counsel in the court-room and held half-a-dozen briefs. Her obvious familiarity with the procedure followed made it evident that such work was far from new to her. The gaps made in the ranks of the legal profession through the call of the Services are now giving London women at the Bar a great opportunity of coming to the fore in a sphere where ordinarily the competition is extremely heavy. Some are likely to obtain a strong foot-hold before hostilities cease.

¹ Sir Alfred T. Bucknill, O.B.E.

² Rt. Hon. Sir F. Boyd Merriman, O.B.E.

There was a rather gloomy feature overhanging the busy scene. Only a few days earlier Mr. Justice Langton³ had died under somewhat tragic circumstances while on his summer holidays. At the left of the presiding Judge was an open door leading into the passage that extended along the end of the court-room. Immediately opposite the open door-way was the door of the late Judge's room. The words, "Mr. Justice Langton", painted on it were silently visible to nearly everyone present and a reminder that this had been his court-room.

Two thoughts occur to the spectator who is not a layman. One arises from the fact that along both sides of the court-room were shelves filled with law reports and text-books, the latter often being the latest editions. Every court-room seen had the same convenient arrangement. They were readily available to Judges and counsel alike. It must often have saved many steps in having otherwise to make one's way to the nearest law library. In the room where criminal appeals were heard, it was noticed that the volumes consisted chiefly of reports and text-books relating to criminal law and procedure. The expense involved in installing and maintaining a not inconsiderable library in every court-room must be formidable, but the convenience of such a system is obvious. Another feature that catches the eye is the seating arrangements. Whether it be the outcome of accident or design is not known, but it results in a counsel having to raise his voice and keep it raised in order to be heard at all. The same applied to witnesses. There is no table in the well of the court-room below the Judge's dais where counsel can sit, as in Ontario court-rooms. Instead, the seating arrangements remind one of those in the Ontario Court of Appeal and rather resemble pews that can be entered from the sides only. They are farther back from the Judge's dais, however, and seem a long way from the witness-box. Counsel cannot leave his seat and move forward when about to question a witness, but must remain standing in front of the seat he originally occupied. This plan must serve to eliminate mumbling and poor delivery, as to raise one's voice becomes imperative at the outset. Court reporters can hardly miss hearing everything that is said.

One also notices something else of much less importance that, to the uninitiated, must appear strange. The wigs worn by judges, barristers and solicitors—and they are never without them in court, of course—are not the white, well-powdered articles that one visualizes. Actually, they are usually an almost

³ Sir George P. Langton, O.B.E.

dirty grey. This is an indication that its wearer has been a long time at the Bar. A white, fresh-looking wig is the ear-mark of a recent arrival at the Bar and is not to be desired. Some of the wigs noticed had reached a state of drab greyness that almost negated any suggestion that they might once have been white.

A third morning was spent in visiting Westminster for the purpose of seeing the Law Lords in session. It was a fortunate day to have chosen, as judgments were to be delivered in some important appeals. After establishing my identity and obtaining a pass, admission was gained to the new and temporary quarters of this great tribunal. Had it not been for my uniform, access would likely have proved unobtainable without outside aid.

The four Law Lords present were in morning suits with the exception of the Lord Chancellor, Viscount Simon, who was robed and wearing a full-bottomed wig. His striking appearance and dignity of manner make him seem ideally suited for the Woolsack and—as is well known—as a lawyer, he probably already ranks as one of its greatest occupants since the office was first created.

Unlike the practice in the Privy Council, each Law Lord reads a judgment, the Lord Chancellor standing and reading his decision first. Also present are the counsel who were engaged in the appeal, in robes and wigs, and sometimes their principals. As five judgments are frequently read in an appeal, their reading can occupy a lot of time. I noticed that a junior barrister sitting beside me, in wig and gown, had a small pile of printed judgments before him, received in advance. It was his duty to report the appeals decided. It seemed to me that a simpler and more expeditious system could be found in merely issuing the printed decisions to the interested litigants' counsel. I was informed, however, that each Law Lord's judgment had to be delivered orally, as it was really in the nature of a speech to the House. I listened to the judgments rendered in five appeals and separate judgments were read either by, or on behalf of, each Law Lord who had taken part in the deliberations. They were usually read fairly rapidly, Simon L.C., being particularly quick in his delivery.

One rather amusing incident occurred in connection with the judgments read in a particularly important appeal in which the State was interested.⁴ Simon L.C., delivered a lengthy judgment in his usual rapid and distinct way. Lord Thankerton then rose and said very briefly that he agreed with the Lord

⁴ *Amand v. Secretary of State for Home Affairs and Another*, [1942] 2 All E.R., 381.

Chancellor. He then read a short judgment for Lord Porter, who was absent. Lord Atkin, also absent, had previously expressed his concurrence in what Simon L.C., had decided. Things were thus moving fast in this appeal. Next, however, came the turn of Lord Wright who rose and, after saying that he, too, agreed with what the Lord Chancellor had said, remarked that he wished merely to add a few observations. The "few observations," delivered at a slow and more measured rate, ultimately developed into a judgment that nearly matched the length of the first one read. Nevertheless it was a masterly exposition of the law applicable.

Many interesting scenes were witnessed during my stay in London but nothing was more impressive or satisfying than this view of what is done at Westminster.

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