

## FROM AN ENGLISH OFFICE WINDOW

*Pension Problems*

A considerable advance upon the procedure established after the war of 1914-1918 has been made under the Pensions Appeal Tribunal Act 1943 (c. 39). The Lord Chancellor in accordance with the powers contained in it has appointed Mr. Justice Tucker as the Judge of the High Court to determine appeals on a point of law, from the tribunals constituted to hear special claims. The tribunal has a lawyer as chairman, a doctor and a third person experienced in such matters. On the whole, the work is giving satisfaction to the ex-service men. The Court has recently heard an applicant from a fairly numerous class which is going to cause some anxiety, that is, the man or woman with some disturbed mental condition. Oftentimes a state of mind which would not have prevented the man from pursuing his occupation under normal conditions has developed under the strain of war so as to render him unable to take up his work as a self-supporting member of the community, able to face the requirements of a daily routine. A fireman in the National Fire Service has provided an example. He was sent as a member of a relief service to Gosport when it was under aerial attack in January 1941 and from Friday night until Monday morning was continuously on duty. His work was arduous and trying and he was unable to change his wet clothing. Bombs were falling but he was not struck in any way nor did he suffer any kind of physical injury. He did not report that he had incurred any disability until September when he was suffering from nervous disability. He was of a nervous disposition before he joined the Fire Service which, it was claimed, had aggravated it. Under the Personal Injuries (Emergency Provisions) Act 1939 the phrase "physical injuries" had been used in distinction from "personal injury" familiar in Workmen's Compensation legislation. The tribunal accordingly rejected his claim and was upheld in its action by Tucker J. (*Howes v. Minister of Pensions*, 60 Times Law Reports p. 181) who observed: "This distinction may not be entirely in accordance with the most modern scientific views, but it is one which has been very generally recognized in medical and legal language, though it has not escaped criticism". At the same time the learned judge had some doubt whether the tribunal had found that the injury which caused the disablement was purely mental, or whether it was wholly or partly physical due to some such cause as strain,

exposure or shock. Accordingly this particular applicant was sent back to the tribunal for their further consideration but he represents a large number in which there is no such doubt and, for whom there is bound to be an unfavourable decision. Among them is a substantial number of women. There is cause for some concern whether they are not developing into a serious post-war problem but the fact that the Ministry of Labour is carefully watching and endeavouring to provide for the needs of these men and women is a hopeful contribution to its possible solution.

### *Conditions of Work*

For five solid years the war has maintained its supremacy as the main topic of conversation but the weather has at last come into its own again. Exactly how long it is since we had a spell of cold weather like this is not quite clear but it is certain that we have not before had a similar combination of extreme cold and lack of fuel to generate heat. A good many have become accustomed to sitting in chambers or the library in their overcoats. Electricity cut off centrally leaves many flats without any form of heating. Hot water is becoming a luxury. Houses with all the pipes fast bound with frost are quite common. The Courts have participated in the general chilled state. One conclusion to a discussion and comparison of experiences was that the brain seemed to become numbed and arguing a case becomes quite a mental strain. No doubt, however, before these lines reach the reader the English climate characteristic will have reasserted itself and there will have been a change. Nevertheless a few lines of record may deserve inclusion as an item of current events.

### *A Bar of One*

Somaliland has been affected like other parts of the Empire by conditions of war but it would be difficult to find another where the legal profession is represented by one solitary member. For four years Mr. Manibal who is a barrister at law enrolled to practise as an advocate of the Supreme Court of the Colony of Aden and permanently practising in that colony, has been the only person entitled to practise in British Somaliland. Mr. Manibal was retained by the Government to defend as poor persons a number of prisoners charged with murder. The Government in such cases arranged for his transport but on this occasion on 22nd June 1942 there was no shipping available and counsel could not be expected to make the dangerous cross-

ing in a native dhow or similar craft. There had been occasions on which the Protectorate Court appreciating the difficulties of counsel had adjourned the hearing for the arrival of Mr. Manibal. But the Appeal Court judge apparently paying no heed to the difficulties of the time heard some very short statements by the appellants and dismissed the appeals. Two years later their Lordships in the Privy Council gave their protection to these Somali natives who were probably illiterate and completely unable to make any criticism on the written judgment of the trial judge even if they could read it. They were entitled to the assistance of an advocate and accordingly their Lordships allowed the appeal and sent the case back to the Protectorate Court in order that it might have an effective hearing. (*Galo Herid and another v. The King*, [1944] A.C. 149).

### *Wigs and Trousers*

Lord Justice MacKinnon has found time to read the minute book of the meetings of the Judges of the King's Bench Division in order to ascertain how it was that women barristers were called upon to wear wigs in the same way as men. He contributes a note upon the result of his research to the current number of the Law Quarterly Review (Vol. 61, p. 32). At a meeting on 28th March 1922 a resolution was passed that they should wear barristers' wigs "which should completely cover and conceal the hair". Darling J. seconded by Horridge J. moved an amendment 'that they shall wear a biretta'. They were defeated by nine votes to two. MacKinnon L.J. argues that a wig is merely a male method of doing the hair and the King's Bench Judges might just as well have ordered that the women should appear in trousers in court. The wig is not part of the forensic uniform. So he adds: "I have never felt any scruple upon a very hot day in removing my wig and inviting counsel to do the like." I suspect the majority of your readers will wonder why, especially in view of these facts, members of the English bar are still required to wear wigs.

### *The Bar Council*

The annual meeting of the Bar Council was better attended than usual and there was a certain liveliness about the proceedings which was welcome in place of the usual apathy. The official satisfaction with the existing state of affairs is hardly shared by the profession as a whole and certainly not by the general public, especially business men. Advocacy of reforms is

mainly centred in a body known as the Haldane Society which might do effective work if it were an independent organization instead of being tied to one political party. Some of its views were expressed in resolutions to which the Attorney General, Sir Donald Somervell, as chairman of the annual meeting took exception and would not allow them to be moved in a mandatory form. He ruled that no motion purporting to instruct the Council could be moved, for by the constitution of the Bar, the Council once elected had full discretion in matters of policy. So the resolution was altered and carried as an invitation to the Bar Council "to consider the present structure of government of our branch of the profession." As there has been no election to the Bar Council for six years, members of the Bar have not the constitutional remedy in putting forward nominees and securing their election. A promise was given by the Chairman of the Council Sir Herbert Cunliffe, K.C., that at the earliest opportunity when the mass of members were able to vote the Council would consider an election. At present more than eleven hundred members of the Bar are absent on war service.

MIDDLE TEMPLAR.