

FROM AN ENGLISH OFFICE WINDOW MIDDLE TEMPLAR

Big Ben

As Big Ben resounds throughout the Commonwealth and Empire it forms a bond that links millions in their common attachments. Throughout the toughest days of the war the one minute's silence at 9 p.m. brought comfort to the weary and assurance that there was living hope enduring still in the midst of tribulation. The great clock has maintained its steadfast regularity for over eighty years, after years of controversy about its erection. The masterpiece as it stands today is the work of an eminent leader of the Parliamentary Bar, Edmund Beckett Denison, K.C., afterwards Lord Grimthorpe. In addition to eminence as a lawyer he was an expert mathematician and an authority on astronomy, architecture, horology and campanology. The difficulties in construction were many and varied. The account of the Bell that has just been published by Mr. A. Gillgrass, a Liveryman of the Worshipful Company of Clock-makers, with a foreword by the well known Brain's Trustee, Commander R. T. Gould, says of Denison: "His was the brain behind the machine and it was only his 'scientific knowledge, his unbounded optimism, determination and native tenacity that brought this great clock into being' ". The Bell derives its name from Sir Benjamin Hall, the Chief Commissioner of Works at the time of its construction. Commander Gould says that for the first time the story is told at length of the difficulties in designing and making the Bell and of the great historic events with which it has been associated as a well-known signal on momentous occasions.

Trustee Investments

The Government's proposals to nationalize the transport system of the country have interesting repercussions. They cover the railways, road transport and inland waterways. Considerable sums are invested and, in the case of the railways, a substantial portion of the shares are held by small investors or by trustees whose beneficiaries derive the principal part of their income from this source. They are also a favourite means of investment for charities and other corporate bodies such as educational institutions and trade unions. The Government stock with which it is proposed to replace these holdings will produce a lower rate of interest than the present return with the result that many holders will be placed in a serious position.

As the railways were authorized as trustee investments precisely to meet this condition, the question now arises whether an alternative should be provided in the plan. It was after the National Debt Conversion Act of 1888 had enacted that the interest on 3 per cent Consols should be reduced to $2\frac{1}{2}\%$ by two stages that the Trust Investment Act of 1889 allowed trustees to invest in railway stocks fulfilling certain prescribed conditions. This legislative protection of the funds of trustees is an important section of the law which has established the status of trustee in the unrivalled position now held in English-speaking countries and at the same time it has made a valuable contribution to the financial stability of the country's finances.

The investment of trust funds has a long history and was originally authorized by the Court of Chancery. Parliament did not take action until the development of municipal corporations for which funds were required led to their stocks being authorized as suitable under the Municipal Corporations Act of 1835. Then followed the development of the colonies as they progressed into Dominions, when their stocks also became trustee securities. Among them Canada holds a pre-eminent position in the eyes of investors.

It is possible that this change in the ownership of the railways may lead trustees to look further afield for their interests, but on the other hand the present financial position of this country naturally suggests that industry is a more necessary object of their support. It requires a great deal to pay for an expensive war and Englishmen realize that their present financial stress is part of the price of freedom. Trustees and their policy in respect to investments have an important contribution to make towards the restoration of prosperity. Accordingly it will be appreciated that this aspect of the nationalisation of transport is perhaps even more important than the change of ownership.

The Prime Minister

The election of Mr. Mackenzie King as an honorary Bencher of Gray's Inn recalls that his former chief, Sir Wilfred Laurier, was one of the first group of lawyers from the Dominions to be elected, when that Inn established the practice, which has since been adopted by the other Inns. It was at the time of the Imperial conference of 1907, when Prince Arthur of Connaught with his father were the Royal Benchers and J. R. Atkin, K.C. (afterwards Lord Atkin) and F. E. Smith, K.C., M.P. (afterwards Lord Birkenhead) were among the junior Benchers. Since those

days Canada has been represented by Sir Lyman Duff and Mr. W. N. Tilley. As these lines are being written on the Prime Minister's birthday, perhaps they may be allowed to convey good wishes for health and happiness from his many friends in this country.

Change of Christian Name

In the varied contents of the new number of the Journal of Comparative Legislation, a short article by Dr. F. M. Goadby, the former Editor, on the change of Christian name exemplifies the way in which comparative legislation can contribute to subjects of everyday interest. The article arises out of a recent decision (*In re Parrott's Trust*, 62 T.L.R. 189) by Vaisey J. in which he adopted the rule laid down by Coke in *Sir Francis Gawdy's* case that a Christian name being conferred by a religious act cannot be changed by the Court nor, semble, even by Act of Parliament. Dr. Goadby points out that in the course of three centuries vast changes have taken place, so that a considerable section of the population, such as members of the Society of Friends and Jews, do not receive their "Christian" name in baptism nor by any public act. The birth of a child can be registered by sex only, without any name at all, and where there are several children of whom any die in infancy this may cause considerable confusion. On the other hand it is quite a simple matter to change the surname by deed poll or even general acceptance. Under present conditions this is especially the case since a woman can go to the Food Registration Office and change the name on her identity card to that of the man with whom she is living without supplying any kind of evidence. Dr. Goadby submits that "it is not to the credit of the English Courts and English legal doctrine that a system of names so rigid as to Christian names, so loose as to surnames, should have been developed largely on the basis of the remarks of a lawyer, however eminent in his day, who lived under social conditions so different from our own and died more than three hundred years ago". Then he proceeds to discuss comparisons. In Scotland "change of Christian name is easy. . . . In modern French Law no distinction is drawn between the two species of names." In the Dominions "refugees and immigrants find it convenient either to alter their foreign names into an English form, or less legitimately, to adopt as their own an English surname". In particular Dr. Goadby refers at some length to the Canadian legislation on the subject and comes to the conclusion "that it is easier to restrict the use of changed Christian names than that of surnames. Social life presents

few occasions when we desire to be known by a changed 'first' name but the use of a different surname sometimes for a respectable and, perhaps even more frequently, for not very respectable reasons is too common and convenient to be restrained by any save loose bonds."

Closed Shop

An advertisement of a small town in the north of England for an assistant solicitor stipulates that he must become "a member of the appropriate trade union". This is analogous to the recent case in which a little suburban council created such a furore by requiring its nurses and doctors to belong to a union. It was a notice that went out to all the staff, but the nurses and doctors at the present time are particularly sensitive on this point. Many of them are violently prejudiced against local authorities. However, the Minister of Health wants their good will to carry out his new health service and snubbed, in the House of Commons, the local authority as an employer for trying to force their employees into a union. On the other hand the London Passenger Transport Board has encouraged their staff to suppress smaller unions by recognizing only the Transport Worker's Union.

From the point of view of the employees this policy of the closed shop is the logical sequel to the application of the principle of collective bargaining. In the case of the nurses the problem is presented in a particularly acute form because they have their professional organization and also a body organized on trade union lines. The rates of remuneration and conditions of employment which they have obtained have been awarded by Committees of which Lord Rushcliffe has been chairman. For many years he has devoted himself to these industrial difficulties and nursing has been dealt with as if it were an industry. In this country we are approaching the situation seen "over the border" by the *Canadian Hospital* (Nov. 1946, p. 47): "The professional status of nurses in the United States is being seriously questioned by many administrative and medical leaders who deprecate recent developments. Unionization of the nurses in some of the states has resulted in a definite loss of confidence that they can retain professional status." The root of the difficulty is to determine the line to be drawn between a trade union and a professional organization. Quite a number of medical men have withdrawn from the British Medical Association because its activities savour too much of the trade union, although there is a medical association organized on trade union lines.

Reverting to the advertisement which gave rise to these observations it is perfectly true that the Law Society is not a trade union, although it is a "closed shop" to the extent that no wise man would employ a solicitor who was not a member of it. Moreover in any matters affecting the work of the profession, such for example as the terms upon which legal aid is to be rendered, the Government conducts the negotiations with the Law Society as a matter of course. The subject is another example of the way in which discussions tend to become vitiated by a phrase such as "closed shop" which arouses unreasoning prejudice.

LET'S KILL ALL THE LAWYERS

VITTORIA: I am at the mark, sir: I'll give aim to you,
And tell you how near you shoot.

LAWYER: Most literated judges, please your lordships
So to connive your judgements to the view
Of this debauched and diversivolent woman;
Who such a black concatenation
Of mischief hath effected, that to extirp
The memory of 't, must be the consummation
Of her and her projections,—

VITTORIA: What's all this?

LAWYER: Hold your peace:

Exorbitant sins must have exulceration.

VITTORIA: Surely, my lords, this lawyer here hath swallowed
Some pothecaries' bills, or proclamations;
And now the hard and indigestible words
Come up, like stones we use give hawks for physic:
Why, this is Welsh to Latin.

LAWYER: My lords, the woman
Knows not her tropes nor figures, nor is perfect
In the academic derivation
Of grammatical elocution.

FRANCISCO: Sir, your pains
Shall be well spared, and your deep eloquence
Be worthily applauded amongst those
Which understand you.

LAWYER: My good lord,—

FRANCISCO: Sir,
Put up your papers in your fustian bag,—
Cry mercy, sir, 'tis buckram — and accept
My notion of your learn'd verbosity.

LAWYER: I most graduatically thank your lordship:

I shall have use for them elsewhere.

[Exit.]

(John Webster: *The White Devil* (1612), Act III, Scene I)