

FROM AN ENGLISH OFFICE WINDOW MIDDLE TEMPLAR

Memorial of Viscount Bennett

The Masters of the Bench of Lincoln's Inn have made the first award of the essay prize established by Viscount Bennett. It was open either to students or barristers whose call was not earlier than April 15th, 1942. The subject was the jurisdiction of the Judicial Committee of the Privy Council and the prize was gained by Dr. A. Leslie Banks, who is one of the senior medical officers of the Ministry of Health and who was called to the Bar at Lincoln's Inn since the specified date. In view of the exacting demands during the last few years upon the medical officers of the Ministry of Health, it is a remarkable piece of work to have accomplished this exhaustive study of a complicated subject.

Lincoln's Inn, of which Viscount Bennett was an honorary bencher, possesses another memento of his generosity. In 1931 he gave a silver model of Drake's Golden Hind, symbolising the imperialism of which he was such a keen exponent by recalling one of the earliest colonising expeditions to leave the shores of England.

Stevenage

Even if Stevenage does not become "world famous", as Mr. Silkin suggested in what is now an historic speech, there is no doubt that *Franklin and others v. Minister of Town and Country Planning*, which decided its destiny, will be a leading case on the power of the Executive. Lord Thankerton in delivering the judgment of the House of Lords defined the nature of the responsibility of the Minister under the statute. "No judicial or quasi-judicial duty was imposed on the Minister" he said "and any reference to judicial duty, or bias, was irrelevant in the present case. His duties under s. 1 of the Town Planning Act and the first schedule were purely administrative, but the Act prescribed certain methods of, or steps in, discharge of that duty." (The Times, July 25th, 1947)

The noble Lords were completely in agreement that the Minister did genuinely consider the report made by the Ministry's inspector and the objections. That was all that the act required of him, so that the House of Lords found no difficulty in dismissing the appeal.

No time has been lost in making a start by preparing living quarters for building and other workers. The Great North Road

is to be diverted for a distance of eight and a half miles. Many more firms have applied for space in the new town than can be found for them. The present cost of the whole scheme is estimated to be about £30,000,000. Something like three years is likely to elapse before there can be any visible progress with the development.

The Future of the Legal Profession

Although many sections of the national life are undergoing overhaul there is little sign at present that the legal profession is likely to participate in it. Movements towards changes in the Bar Council and the Law Society have had a drag put on them by the conservative instincts of both branches of the profession. Nevertheless there is an impression that changes must take place and they might even be welcomed by the junior members of the profession. A striking anachronism at the present time is that, while the solicitors are seriously overworked, quite a number of members of the Bar find themselves without adequate occupation.

A factual presentation of the existing state of affairs is provided with judicial impartiality by Mr. L. C. B. Gower in a recent number of the *Modern Law Review*; he admits that he regrets some of the prevailing tendencies and still more dislikes some of the expected developments.

It is anticipated that the operation of the Rushcliffe Committee's scheme of legal aid is likely to provide the stimulus to change demanded from outside the profession rather than from within — as the most likely reform Mr. Gower places first the merger of the two branches of the profession. "A distinction" he writes "between general practitioners and specialists is inevitable in any profession, but the present division of our profession is based on no such distinction. At a certain stage in litigation, the solicitor has to call in (and the client has to pay) a barrister whether or not the services of a specialist are in fact required (and in a very large percentage of cases, including nearly all divorces they are not)". The existing procedure leads to a great deal of unnecessary expense and there is no doubt that the present cost of litigation denies to many people their right of recourse to the courts of law. The legal aid service throughout the country should do a good deal to improve this while at the same time it may lead to a greater appreciation of the rule of law in everyday affairs. This is all to the good and if it requires some of us to depart from traditions to which we are devotedly attached the sacrifice will have to be made for the good of the community as a whole.

The standard of British justice which Europe has learned through the Nuremberg trial is just as much appreciated by the natives in the back woods of Somaliland and other lands and must be maintained readily available to the residents in Great Britain.

From Bar to Don

General surprise has been expressed at the appointment of Mr. H. U. Willink, K.C., M.P., as Master of Magdalen College, Cambridge. It was thought that the extent of his practice at the Bar would justify his elevation to the High Court bench. Having been a Cabinet Minister as Minister of Health, there might have been a prospect of further political advancement when his party returns to office. Neither of these possibilities seems to have been sufficient to keep Mr. Willink from the attractions of the dignified if secluded office of Master of perhaps the most beautiful of the Cambridge colleges. As a son of Trinity College the new Master knows the high place held by Magdalen in the esteem of the academic world. As the thirtieth master since the first was appointed in 1542 he enters into office in possession of a career quite unique among his predecessors or the heads of any other college.

Law for the Citizen

The education of the coming generation in the method of government is occupying a good deal of attention at the present time. In London conducted parties of school children are taken to the Houses of Parliament and County Hall where they can see the work of the principal local authority in this country. Some exhibitions of the services rendered by the local authorities of different towns and cities have attracted a considerable proportion of the population. As the children grow older and the electorate becomes more educated there is a desire to know something about the laws of the country and their administration. There is a growing literature on the subject, of which perhaps the two most notable examples are the little books by Professor Geldart and Sir Henry Slessor. But it is not an easy matter to provide a book in compendious form on the whole range of English law, which at the same time is readable by the ordinary layman.

From Australia there comes an interesting attempt to meet this need. Mr. Baalman has aimed to provide "a conspectus of modern law with an historical background, using detail only so far as it was considered necessary to illustrate some fundamental rule or principle". In little more than three hundred pages he

has provided an "outline of law in Australia". Although he states that "it was not designed merely as a primer for law students" it seems to have fulfilled that purpose rather than to be acceptable to the reader who regards a knowledge of law "as a sheer cultural necessity". It may even be argued that Professor Wille's *Principles of South African Law*, which is quite frankly "a text book of the Civil Law of the Union" and has all the apparatus of a legal work, may be found to be more readable, perhaps mainly because it is not in such a compressed form. So far as my information goes there seems to be no corresponding volume containing the law of Canada. There are divergencies between the different parts of the country, as in Australia and less markedly in South Africa, but that is only a minor difficulty compared with the need for literary style to illuminate a dull subject. There seems to be an opportunity for Canada to provide a book which might enable immigrants to appreciate the "Canadian Heritage" in the realm of law and liberty, of which they become participants by Canadian citizenship.

End of the War

The Attorney General has announced in the House of Commons that it is not proposed to fix any specific date for the termination of the war. There has been no general demand and the available evidence suggests that it would only complicate still further many agreements which may be in doubt. In 1944 the Validation of War Time Leases Act (c. 34) settled the difficulty created by *Lace v. Chandler*, [1944] 1 K.B. 368, that leases "for the duration" were invalid because the term was uncertain. The effect of war is so widespread that it is bound to influence a variety of agreements. The decision not to fix any date is no doubt sound from a legal point of view, though the cynic may consider it to be too realistic to be pleasant.