

FROM AN ENGLISH OFFICE WINDOW  
MIDDLE TEMPLAR

*External Association*

Professor Savory, who after a brilliant academic career is now M.P. for Queen's University, Belfast, delivered an important factual statement upon the relationship of Eire to the Commonwealth at a recent meeting of the Royal Empire Society. It necessitated an examination of the constitutional position of Eire. The first article of the constitution affirms "its inalienable, indefeasible, and sovereign right . . . to determine its relations with other nations". The section of the Constitution dealing with international relations adds (Article 29 (4)(2°) ) that "for the purpose of the exercise of any executive function of the State in or in connection with its external relations, the Government may to such extent and subject to such conditions, if any, as may be determined by law, avail of or adopt any organ, instrument, or method of procedure used or adopted for the like purpose by the members of any group or league of nations with which the State is or becomes associated for the purpose of international co-operation in matters of common concern". Use was made of this provision to assume neutrality when Great Britain declared war. The German legation was maintained in Dublin and Ireland's representation continued in Berlin, although when there was occasion for a new appointment Hitler refused to recognize his credentials since they did not bear the King's Sign Manual.

Professor Savory did not permit himself to make any deduction from his statement of facts, but an admirable substitute is provided by Dr. Mänsbergh in the January issue of *International Affairs*, where he writes:

External association came into being as an alternative to Dominion status because it allowed of a form of government more acceptable to Irish opinion, but, at the same time, envisaged co-operation between Ireland and the Commonwealth in matters of common concern.

Elucidating his point the writer continues:

External association is in a sense a *via media* between Dominion status and treaty relationship, but it is a mistake to think of it as a colourless compromise. Rightly regarded, it is the positive answer to a certain set of circumstances. Its foundation should be the desire of two or more independent countries to form a close and lasting association. In that, it is similar to Dominion status, but distinct from a treaty relationship which is normally founded on a short-term coincidence of interest in a limited and particular field. On the other hand, as distinct from Dominion status, it rests, not upon a sense of underlying unity in history, development and tradition, symbolized by allegiance to a common Crown, but upon a sense of partnership between two peoples

with different histories and different loyalties, but sharing common interests, common aims in world politics and, above all, a common sense of values.

The question is raised whether this external relationship may not be suited to the newly established nation-States of the East. The treaty relationship adopted with Burma does not provide any machinery for making relations more intimate, which is particularly regretted since the two peoples do not possess the same traditional background. There is a psychological as well as a political and constitutional consideration behind this problem. A treaty assumes a relationship of *foreign* countries. The alternative of some form of association, whether it be called external association or not, has the advantage that "by defining the foundations to the extent that seems desirable in each individual case it removes many potential causes of misunderstanding and, incidentally, the slightest suggestion of subordination". These suggestions have attracted attention here and, since they involve the relationship not only of Eire but also of the new nations with the other states of the Commonwealth, they may well deserve wider consideration.

#### *Middle Temple Ordeal*

The sympathetic interest shown by the Canadian Bar Association in the destruction wrought in the Inns of Court has spread a general knowledge of its extent. Accordingly some apology may be due for referring to a monograph with the above title just published by the Masters of the Bench of the Middle Temple. Written by an anonymous woman barrister of the Inn, who was resident in it almost throughout the war, it contains a most graphic account of the work done by private individuals engaged with officials in the civil-defence activities of those days. The illustrations are a remarkable feature of the publication and entitle it to a place in any collection of books relating to the Inns of Court.

#### *The Care of Children*

The House of Lords has been given the first opportunity to discuss a Government measure dealing with the care of children. Its purpose is to carry into effect the recommendations of a departmental committee under the chairmanship of Miss Myra Curtis. The Bill covers girls and boys up to the age of eighteen who are without parents, have been lost, or whose parents have abandoned them or are unfit or unable to take care of them. In such cases the duty is placed upon the local authorities to take care of the children and, in order to do so effectively, the

authority may assume parental rights, though care is taken not to supersede the right of the natural parents if, through change of circumstances, they are found fit to undertake the child's care. The parents are placed under a duty to maintain contact with local authorities having the care of their children, particularly by notification of change of address.

The Act determines a question of policy by requiring these children to be boarded out rather than placed in institutions. If an institution has to be selected, then use may be made of homes under the auspices of voluntary organizations, such as Dr. Barnado's Homes and those of the Church of England Children's Society.

A particularly difficult time for many of these young people comes when they leave school and start in the world on their own account. Accordingly the local authority is authorized to provide hostels for young people up to the age of twenty-one or make arrangements with voluntary bodies in charge of suitable accommodation. During this transitional period the local authority may assist their further education and training until the completion of the course.

The Act extends the control of the local authorities over voluntary homes by requiring their registration and inspection. There is provision also for the training of the personnel in charge. For the purpose of these various functions the local authority is required to appoint a children's committee and a children's officer, with duties corresponding to those of similar officers in the Canadian provinces. The whole operation of the Act will be supervised by a special Children's Department under the auspices of the Home Office. It is estimated that about 125,000 children are affected by the Act.

#### *Chancellor of Cambridge University*

The vacancy created by the death of Earl Baldwin has enabled Cambridge University to make a graceful selection for the office of Chancellor. In appointing Field Marshall Smuts they have chosen a distinguished son of the University whose achievement as a student has never been equalled before or since. He was head of both parts of the Law Tripos while at Christ's College. In 1915 he was elected an Honorary Fellow of his College and two years later the University conferred upon him the honorary degree of LL.D. He is also an Honorary Bencher of the Middle Temple. In an age when there is a tendency to disparage the work of lawyers it is worth noting that the greatest living personality of the present day is a lawyer and owes much of his great ability to a legal training.