It is more than twenty years since Lord Hewart, then Lord Chief Justice of England, commended to any lawyer—like the attorney in Pendennis "by profession a serious man"—the first volume of Misleading Cases, which had appeared in *Punch* above the initials A.P.H. Since then Sir Alan Herbert has added a second volume and the series still continues. The latest addition (*Punch*, May 12th) deals with the situation which has arisen owing to the decisions of the House of Commons and House of Lords in reference to capital punishment. It gives the summing-up in the trial of a man named Bopple, who had been a civil servant all his life, for the murder of the Minister of Drains. Retired on a pension with a diminishing purchasing value, the judge found it not surprising, "if like so many elderly people today he felt little enjoyment in the autumn of his life and less hope for the future". The murder was committed two days after the House of Commons had inserted in the Criminal Justice Bill a provision to suspend capital punishment for five years. Looking for a motive that could have moved this law-abiding and inoffensive citizen to commit the crime, the judge suggested that the prisoner with a sentence of life imprisonment has a chance of spending his remaining years "more comfortably in prison than he would outside. He would be housed, fed, clothed and doctored by the State, with none of the troubles of rent, repairs, rates and taxes, ration books and coupons and insurance payments which beset the free man." After expatiating on that aspect, the judge pointed out to the jury: "it is clearly undesirable that lonely old men should go about murdering people in order to escape the trouble of ordinary life and to enjoy the serenity and quiet of prison till they die". Thus directed, the jury, after a few minutes' deliberation, found the prisoner "Not Guilty", at which the prisoner scowled angrily. The concluding dialogue between the judge and the prisoner, in which he confirms the judge's theory of his motive, ends with the judge's observation, "And, in future, avoid litigation. You never know where you are."

An abridgement is not quite a fair way, perhaps, to deal with one of these inimitable pieces of humour, but it may be enough to suggest the enjoyment to be derived from them.
The words of caution with which I approached the subject of nationality (26 Can. Bar Rev. 849) have been more than justified by subsequent developments. The Bill promoted by the British Government in accordance with the agreement reached by the different members of the Commonwealth quite unexpectedly met with opposition in the House of Lords. The attack was led by Lord Altrincham, better known under the name of Sir Edward Grigg as an exponent of views on constitutional imperial problems. The main point of attack was the word “citizen”. He went so far as to say that in its historical context “this term of citizen” at any rate in France and the United States is “republican” (Parliamentary Debates, 156 H.L. 995). This was to emphasize the argument that “citizen” properly applied to the inhabitant of a town. The wider meaning as used in the United States is traced back by the Oxford English Dictionary to the fourteenth century and has a well-established use in the Bible. There was more force in the contention put forward by Lord Samuel that the designation “a citizen of the United Kingdom and Colonies” is not a happy one. In view of the changes that have taken place it may seem to us now “not a good term of art”, but it remains to be seen whether “in common usage over a period of years it would not be regarded as a good phrase” (ibid.; Col. 1030). The general desire seemed to be to retain the phrase “British subject” with its popular significance of attachment to the Crown.

A dispassionate perusal of the debate suggests that the noble Lords on the Opposition bench protested just a trifle too much that no political significance was contained in their objections. Nevertheless in spite of the objection of the Leader of the House, Lord Addison, an amendment was made on the understanding that no one was particularly attached to the wording. The debate was summed up in a leading article in The Times as follows: “It may be, as Lord Simon held, that the difference is a difference of words, though he and Lord Swinton also showed that they are words with a meaning and an importance all their own, but it is a pity that the change should come about without general discussion throughout the Empire. Outside of Canada there does not appear to have been any public discussion at all.” Whether public discussion upon a highly technical subject like citizenship and nationality is going to help in a satisfactory choice either of terms of law or art seems to be a very doubtful proposition. Anyway we have not heard the last of this little storm in a teacup.
The Assistance of an Advocate

Any attempt made to limit the right of lawyers to appear before any tribunal is also an infringement of the human right of every man to have the assistance of an advocate. It was upheld by the Privy Council in Galos Hired and another v. The King, [1944] A. C. 149. It has just been asserted again by the Court of Criminal Appeal. A woman named Kingston was convicted of receiving stolen cloth and was sentenced to six months' imprisonment. The woman's case was first on the list in one of two courts which were sitting in Manchester. Through a misunderstanding her counsel was not present. Prosecuting counsel applied for the case to be postponed and, failing that, suggested that the prisoner might have another counsel. Since the jury had been sworn, the Assistant Recorder decided that he would proceed, rather than waste the jury's time, and that he himself would watch the prisoner's interests. She pleaded not guilty and said that she could say a lot but did not know how to put it in words. She refused to cross-examine and thought it was very unfair that the counsel whom she had briefed could not defend her. Upon that the Court of Criminal Appeal quashed the conviction (Rex v. Mary Kingston, The Times, May 12th, 1948).

The court would have liked to order a new trial but had no power to do so.

Plain Words

Six Ernest Gowers, who took a first class in the Classical Tripos at Cambridge and has had the full span of office in the Civil Service in many departments and capacities, was asked by the Treasury to provide some guidance for officials on the use of English. The result is a charming little volume entitled Plain Words (H.M. Stationary Office, 2/-), illuminated with actual examples from documents written by officials.

Sir Ernest, who is a member of the Bar, has a delightful "digression on Legal English", in which he appreciates the difficulties of the law draftsman as well as the private practitioner. Simplicity of expression does not always attain the desired result. "Arising out of and in the course of" employment must have caused more litigation than any other eight words on the statute book. In order to illustrate the difference between ordinary phraseology, which makes its meaning plain, and legal phraseology which makes its meaning certain, he quotes a random Rags (Wiping Rags) (Maximum Charges) (Amendment Order), which was as follows:
The Rags (Wiping Rags) (Maximum Charges) Order 1943 (as amended) shall have effect as if in Article 1 thereof for the figure ‘8’ where it occurs in the last line there were substituted the figure ‘11½’.

This by itself conveys no meaning at all to anybody. In fact it permits launderers of wiping rags to add 11½ per cent instead of 8 to their charges. The references in this form were necessary to give unmistakable guidance in doubtful cases or to support a prosecution for its breach. The summing-up of the discussion on this order provides an example of Sir Ernest’s own illuminating style: “Drafting is a science, not an art; it lies in the province of mathematics rather than of literature, and its practice needs long apprenticeship”. Or again, “legal ambiguities are caused more often by over-simplicity of diction than by over-elaboration”. This is a publication of interest and use to all who love the English language. It is the kind of book which Father should buy and read for his own edification and hope that the members of the Family will be so stimulated by his enthusiasm for its contents as to follow his example.

Pensions

Anyone who has occasion to survey the output of the legislatures throughout the British Commonwealth and Empire cannot fail to be impressed with the growing proportion devoted to pensions and other provisions relating to superannuation.

The Members of Parliament at Westminster are increasing the amount of the pension given to any one of their members who, having retired, is in need of financial assistance. An increase is also made in the allowance for widows. A new provision is made for a widower, on a similar basis, when he was dependent upon his wife’s salary as an M.P.

The House of Lords are engaged upon a more comprehensive measure dealing with the varied changes in pension rights due to transfer of employees from the local to the central government. In introducing the measure Lord Pakenham assured their Lordships of the sympathetic attitude of the Treasury towards the staffs. In one clause they had taken power to exercise their traditional compassion, expressed on one file in the following lines:

When lovely woman stoops to folly,
And finds too late that men betray,
Their lordships share her melancholy,
And offer leave (but without pay).

They’d deprecate her resignation,
And probe with tact to find the cause;
Suspend with nice discrimination
The superannuation laws.