

## FROM AN ENGLISH OFFICE WINDOW MIDDLE TEMPLAR

### *Testator's Family Maintenance*

The cases which arise under the Inheritance (Family Provision) Act tend, to an increasing extent, to be directed to the remedy of eccentric conduct rather than to points of law. The latest example came before Romer J. in the Chancery Division when an old man of seventy-five named Whitaker applied for provision from his wife's estate, of a total value of more than £100,000. Up to the time of his marriage Whitaker had been a seaman and commercial traveller. His wife insisted that he should not continue any outside employment. He became, in the words of the judge, "a kind of glorified domestic servant". There was a man servant who died in 1919 and his wife declined to have another.

Before the marriage Whitaker had told his wife of an affair which he had once had with another woman. From a letter received from this woman in 1911 the wife, who had opened it, believed that he had been married to her. That, so far as the court could ascertain, was the cause of the husband receiving no provision in the will. The court was satisfied that there had been no previous marriage and gave him £60 a month out of the estate.

### *Royal Masonic Hospital*

Under the new National Health Service Act the Minister of Health has power to exempt certain hospitals from its operation. The list is a short one and includes mainly hospitals for the Roman Catholic community. Among them, however, is the Royal Masonic Hospital, known far and wide during the war when it received many men in the Services from overseas. As a general rule the voluntary hospitals accepted payment from the Government for the maintenance of such patients. The Royal Masonic Hospital is maintained wholly by the voluntary contributions of the Brethren and it was the one notable exception. Moreover its services are provided in a style harmonising with the building, which is regarded as a singularly fine example of hospital architecture. Its erection was largely due to the efforts of Mr. C. H. Thorpe, working in partnership with his old friend, Mr. Percy Still. Like many other members of the Bar he started work as a journalist and for a time after his call in 1907 continued his association with the Press. After the first World War he found

that his practice developed so as to make it necessary to devote his whole time to it. For a time he acted as a County Court judge, but the work in connection with the Royal Masonic Hospital became his first concern in life. It inspired a self-less devotion worthy of the highest traditions of the Craft. His recent death leaves a sad blank in the Hospital, of which the present chairman is Mr. Justice Hilbery, and much sympathy has been expressed with his co-honorary secretary, Mr. Percy Still.

### *Essential Work*

Sir Reginald Dorman Smith, formerly Governor of Burma and previously Minister of Agriculture, has attracted a certain amount of attention to the Registration for Employment Order, 1947, made under Defence Regulation 58A. He applied to his local Employment Exchange as a person not gainfully occupied or employed under its terms. His aim is to obtain recognition of the fact that, as a member of the county agricultural executive committee and chairman of the estate management sub-committee appointed by the Minister of Agriculture, besides managing his own estate, he is doing essential work for the country.

A memorandum issued by the Ministry of Labour, explanatory of the Order, refers especially to voluntary unpaid work in the following terms: "Persons engaged for 30 hours or more each week on political, social or religious work without payment will not be expected to take other work. Consideration will, however, be given to asking those engaged for shorter periods to take part-time essential work if it is available or to increase the number of hours spent on temporary work."

It is an interesting situation that while state activities are increasing in a number of directions there is an accompanying demand for people who will render voluntary service. The Ministry of Labour itself provides an example. There are local employment committees throughout the country, consisting of representatives of employers and employed persons, with a leaven of independent members. The Minister has recently asked that they be re-formed with a view to advising him upon local conditions. Their meetings are normally monthly, but that is sufficient to require an appreciable amount of time of officials in producing and circulating memoranda. These committees have no executive power and there is a number like them in other departments of national life. At a time when there is a shortage of voluntary as well as of other kinds of labour it is a question

whether members are spending their time productively in the national interest. On the other hand, voluntary committees with executive power and members willing to devote the time to the study of the subject, are certainly most necessary to exercise a proper control over the officials either in voluntary or State organizations.

The point raised by Sir Reginald is only a detail, though an important one, in the Registration for Employment Order, 1947. Its primary object was to require the registration of persons unoccupied or who are following certain occupations. In particular the Ministry had in mind persons employed in betting and gambling, including Football Pools, Amusement Arcades, Night Clubs and Street Trading in Urban Areas.

### *Rebuilding the Temple*

Although it must be years before the ruins of the Temple can be replaced by buildings, it is satisfactory to learn that the main principles have been so far established as to enable the Architectural Correspondent of *The Times* to survey the proposals. In the first place the Benchers are agreed to preserve the Temple as a precinctal area on the lines which are treasured not only by its occupants but by all who appreciate seclusion and intimacy just away from the busy roars of traffic. It may be that there has been some sacrifice of revenue which might have been gained by building high blocks of modern offices. So the second point established is that there shall be no building above the four-storey level common to the whole Temple. For those who doubt whether the ancient form can be retained, there is the portion of Brick Court facing the Middle Temple Hall, which was rebuilt at the beginning of this century and is a harmonious companion, like its predecessor, to a building erected in the seventeenth century.

In order to make a more effective plan around the Temple Church, the site of Lamb Building, which stood on the Inner Temple side but belonged to the Middle Temple, and was totally destroyed, has been exchanged for a portion of Harcourt Building abutting on the Middle Temple portion. The ancient cloister will be rebuilt in accordance with the original design of Sir Christopher Wren, which has been discovered by the architect Mr. Edward Maufe, with seven arches instead of the eight of its former existence.

The Inner Temple will require an entirely new Hall, since the whole of that building, including the Library, was destroyed. Work is in progress on the restoration of the Middle Temple Hall, so that the finest Elizabethan Hall in London will still be the centre of admiration. The Library will now be placed in close proximity to it together with a new Parliament Chamber, the meeting place of the governing body of the Inn. The position of the Library will be a great improvement upon its former isolation in the corner of the garden. Owing to the more extensive destruction in the Inner Temple, the architect, Mr. J. Herbert Worthington, will have more scope for new design, thus enabling stone to be added to some extent as it was before in the Victorian buildings, though retaining the mellowed brick.

### *Consummation of Marriage*

*Baxter v. Baxter* (64 T.L.R. 8), while dealing with the use of contraceptives, deliberately left open the question of *coitus interruptus* against the wishes of a spouse as a cause of nullity. This point was commented upon by Mr. R. M. Willes Chitty in the Canadian Bar Review for March last (at p. 581). Now there has been a further development. Finmore J. had before him a petition by a wife against her husband, who did not defend the action, and granted a decree nisi of nullity: *Grimes, otherwise Edwards v. Grimes* (*The Times*, May 11th, 1948). Two days later Willmer J. had another similar petition by a wife. This time the husband defended the action. The evidence showed that the practice of *coitus interruptus* was detrimental to the health of the wife. While declining to follow his brother judge in regarding the practice as in itself a ground for a decree of nullity, Willmer J. found that in this particular case it amounted to legal cruelty and so granted a decree nisi of divorce on that ground: *White, otherwise Berry, v. White* (*The Times*, May 13th, 1948). The learned judge expressed his regret that there should be two differing decisions and observed that such an extremely difficult point will have to be decided by a higher tribunal.