

# From an English Office Window

MIDDLE TEMPLAR

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## *Rent Tribunals*

"The looker-on sees most of the game" but he does not always view it from the same position in the pavilion. The learned contributor surveying from New York the rent tribunals sees in them an example of the administration of justice unfettered by strict law and regards them as a "great danger" (August-September, 1948, p. 1088). Although a correspondent in Montreal differs on a point of law, apparently he supports the main contention (December, p. 1505). In Sydney, however, Professor Stone sees in the rent restriction tribunals an excellent illustration of "how the evaluation of a conflict of wide ranging *de facto* interests can become a matter of commonplace adjudication" (The Province and Function of Law, p. 186, n. 211). The subject is very much to the fore in Great Britain at the present time since the Government have introduced another bill on the subject, intended to become the tenth in a series of Acts. In 1945 a strong Committee set up under the Coalition Government reported that before any satisfactory amendments of the law could be made it was "urgently necessary that the present chaos of overlapping statutes should be replaced by a comprehensive Act". However, that has not been done and the new bill supplements the point of the discussion in the article above-mentioned and the ensuing correspondence. The rents of unfurnished houses first let since the war are now to be determined by the special tribunals that regulate the rents of furnished dwellings instead of being within the jurisdiction of the county courts. This whole body of legislation is in fact dealing with a social problem so that *The Times* is justified in describing the rent tribunal as "part of the machinery of price fixing rather than the machinery of justice" (January 4th, 1949). The place of these administrative tribunals, of which the rent tribunals are only one example, in the legal system of the country requires to be studied without political prejudice. It looks as if the Pension Appeals Tribunals, whose decisions have been guided through an appeal to the Supreme

Court on points of law, are showing a way to a solution of the problem.

### *Dickens on Public Executions*

In an exhibition of the Southwark Public Library relating to Charles Dickens there has been displayed the original of a letter to *The Times* on November 13th, 1849, advocating the abolition of public executions. It arose from the execution at the same time of a man and his wife, Frederick and Maria Manning, for the murder of a man named O'Connor. The circumstances of the apprehension of the woman were notable at the time as an early use of the telegraph whereby, in the words of a contemporary account, "the magic of modern science is made the handmaid to retributive justice". Although cholera was raging at the time of the execution at the Horsemonger Lane Gaol, Southwark, there was a crowd estimated to number fifty thousand which included "persons male and female in the higher ranks of society with opera glasses levelled" (*Annual Register*, 1849, p. 447). It was this scene that stirred the indignation of Dickens and led him to add his powerful influence to the growing movement in favour of stopping executions in public.

### *Training of Youth*

To the admirable report on apprenticeship in Canada which has just reached this country from the Department of Labour may be added a footnote on the Employment and Training Act (11 & 12 Geo. VI, c. 46) which received the royal assent last year. It makes fresh provision with respect to the functions of the Minister of Labour and National Service relating to employment and training for employment. The Act (9 Edw. VII, c. 7), which established in 1909 a network of labour exchanges now known as employment exchanges, is repealed and their functions are now defined in the new Act. Attached to these were Juvenile Advisory Committees to deal with young people leaving school. It is in this connection that the Act of last year makes a new departure and is of particular interest in reference to the Canadian report. The title of the Act states one of its objects to be "to provide for the establishment of a comprehensive youth employment service". The effect is that when this portion of the Act comes into operation next October the employment exchanges will not be concerned with the welfare of the youth to the same extent

but the main responsibility will rest upon the education authorities.

There is a Central Youth Employment Executive concerned with all persons under the age of eighteen years and persons over that age who are for the time being attending school. In addition there is a National Youth Employment Council to advise the Minister, that is the Minister of Education not Labour, as to the performance of his functions and the functions of local education authorities. They will be supported by local Youth Employment Committees. Similarly these latter will be constituted in accordance with schemes prepared by the local education authorities. There is a switch over of the duties formerly performed by the employment exchanges to these new bodies since they will have to administer unemployment benefit claimed by persons under eighteen and also grant assistance under the National Assistance Act to persons under that age.

The Minister has power to require proprietors of schools (by which is meant the local education authority or any other body managing a school) to supply particulars of any person leaving school on "health, ability, educational attainments and aptitudes" in order to enable "adequate advice and assistance" to be given to them. The Act contains stringent provisions to restrict the disclosure of these particulars. Parents may examine them in the presence of the officer having their custody "but shall not be entitled to take or receive copies thereof". The provisions of this measure accord with the general policy to regard all young persons up to the age of eighteen as *in statu pupiliari* but it must be sometime before it can be effective as the present goal of sixteen is only being reached with some difficulty.

### *Railway and Canal Commission*

The Railway and Canal Commission was established in 1888 (36 & 37 Vict., c. 48) as a tribunal to deal with the legality of tolls, rates and charges. It had judicial functions and, in some matters, powers of arbitration. The developments of the nationalisation of railways have rendered unnecessary the continuance of the Commission. By a bill now before Parliament the Commission is abolished and any judicial duties that may remain are to be exercised by the Supreme Court.

The last remaining appointed Commissioner was Sir W. P. Kyffin Taylor who has recently been raised to the peerage as Lord Maenan. He has been presiding whenever necessary and

at the age of 94 made his maiden speech in the House of Lords in support of the Bill abolishing the Commission.

### *Frogs as Currency*

Medical men engaged in medical research are accustomed to deal with mice and various other animals. The use of frogs for this purpose led to a quaint case in Redruth County Court. The plaintiff sold a motor cycle and side car to the defendant for 2,500 frogs and alleged that he had only received 88 of them. The defendant disputed the figures and maintained that the price was only one thousand and that they had been paid to the defendant's wife. The judge gave judgment for 1,500 frogs, or £15, and left it to the litigants to settle the details of carrying out his decision. The judge expressed the opinion that "no more inconvenient token of currency than frogs could have been found. They have great mobility and are apt to disappear with even greater rapidity than pound notes." It is satisfactory to find that their elusiveness did not lead to escape from the scales of justice.

### *Scottish Criminal Justice*

A discussion in Committee of the House of Lords upon the Criminal Justice Bill, which is being considered upon lines similar to the English Criminal Justice Act of last year, produced some interesting points.

The Lord Chancellor reminded the Committee of a point "very often forgotten", that he is Lord Chancellor of Scotland as well as of England. Nevertheless, although possessing a most profound regard for the Scottish law, he would be sorry indeed to think that the Scottish Law is a mere "pale echo of the English system". Accordingly he resisted an amendment, providing a typical example, to alter the Scottish system by which a first conviction placing the offender on probation is not recorded although noted in the official books, unless the young man comes up again charged with a similar offence.

The Lord Chancellor also found an opportunity to express his desire to include the law of Scotland as well as of England in the work of consolidation. The Parliamentary Counsel's Office is now engaged on nothing but consolidation and Sir Granville Ram who presides is not to be taken off for the ordinary current work of drafting bills. Accordingly there seems to be good prospects of a consolidation of the criminal law of Scotland within a reasonable length of time.