From an English Office Window

MIDDLE TEMPLAR

The Bar Council

The English Bar is at last to have an organization worthy of its importance. Just before the Long Vacation a special meeting of the Bar agreed that members should pay an annual subscription in order to finance an adequate secretariat for the Bar Council. Hitherto that body has been dependent upon the bounty of the four Inns of Court and not a penny has been subscribed by members of the Bar. The total income available has been £2400 a year. It is estimated that the new arrangement will produce between £5000 and £6000 a year though it is entirely dependent on the honour of members of the Bar, who through this meeting have assessed themselves at different amounts for juniors and King's Counsel. It may be hoped that with the improved representation the constitution of this secretariat may place the Bar Council in an effective position, so that the quasi-political organizations of members of the Bar may no longer be considered to be necessary. In order that there may be no misapprehension it may be added that the Bar Council, like the Law Society for solicitors, is an entirely voluntary body and the State has no voice in its affairs.

Reciprocal Registration

Sir Herbert Esson, President of the General Medical Council, at its recent session drew attention to the Saskatchewan Act of last year (c. 71) amending the act relating to the medical profession (Rev. Stat., c. 210). Under the amended Act provision is made for reciprocal registration by the College of Physicians and Surgeons of Saskatchewan of "any member of any incorporated body of medical men in the United Kingdom of Great Britain and Northern Ireland, Australia, New Zealand, South Africa or Eire exercising similar powers" to those conferred by this Act. This covers the three Royal Colleges of Physicians, Surgeons and Obstetricians and comes within the cognizance

of the General Medical Council as the body authorised by statute to supervise the registration of medical practitioners. The amendment restores the relationship which was established originally in 1906 and brought to an end in 1926. The President expressed the hope that there might be a similar return to reciprocal registration by the Provinces of New Brunswick, Ontario and Quebec. It is hoped, also, for the first time to establish such relations with British Columbia. The medical is not the only profession where these reciprocal relations might be made to work more smoothly. The official bodies do not seem to be keeping pace with public opinion that interchange between the two countries should not be impeded by red or any other colour tape.

Contempt of Court

A recent application against the editor of the Daily Herald for contempt of court has Canadian overtones (65 Times Law Reports 143). It arose out of a dispute between parents named de Beaujeu, who had been divorced in Canada, over the custody of their infant children. On an application to the Court of Chancery Wynn Parry J. had given the mother permission, the children being wards of court, to take them to Montreal since he took the view that the proper forum for the matters raised before him was the competent court in the province of Quebec. Incidentally, the father subsequently secured a writ of habeas corpus from a Quebec court ordering the mother to produce the children and justify their retention. The proceedings before Wynn Parry J. were in chambers and reference to them was made inaccurately in the Daily Herald report. After referring to *In re Martindale*, [1894] 3 Ch. 193, and *Scott* v. *Scott*, [1913] A.C. 417, Wynn Parry J. expressed the opinion that, in the absence of any special direction, prima facie it would be a contempt of court to publish an account of proceedings relating to an infant conducted in chambers without the express permission of the judge who heard the case, but he refused to lay down any hard and fast rule. On the other hand, it would not be a contempt to publish the order, or an accurate summary of the order, made on the proceedings unless the judge directed that neither the order nor the summary should be published. The report had been published in good faith by the editor from a reliable news agency and the learned judge obviously felt that any inaccuracies there may have been could not have prejudiced the children. There was no contempt, he held.

Lunch for the Jury

A nice little point of procedure came before the Court of Criminal Appeal in *Rex* v. *Neal* (*The Times*, July 25th, 1949). After the summing-up by the Recorder and the jury had been given in charge of the bailiff, they asked if they might be allowed to leave the court to have luncheon together during the midday adjournment. On the strength of Archbold's Criminal Pleading (31st edition, p. 194) the Recorder gave his consent. No member of the Court of Criminal Appeal, which consisted of the Lord Chief Justice and Oliver and Stable JJ., had ever heard of a jury being allowed to leave the building or to depart from the custody of the bailiff once they had been enclosed for the purpose of considering their verdict. Moreover the L.C.J. thought that the passage in Archbold upon which reliance had been placed was too wide and should be qualified by some such words as "to be given only in cases of evident necessity". The irregularity was such a serious departure from established practice that the court had no option but to quash the conviction. The question then arose whether the court would order a new trial but since all the proceedings had been quite in order up to that point they did not feel able to take that step. There remained several other offences for which the prisoner could be put on his trial so there was hope that, in spite of the jury's lunch, justice would be done in the long run.

M.D., BLN.

The English Medical Act, 1857 (21-22 Vict. c. 90), which was generally followed by other legislatures in association with the Mother Country, imposes in section 40 a penalty upon "any person who shall wilfully and falsely pretend to be or take or use the name or title of a Physician, Doctor of Medicine" etc., etc.

In January 1938 William Luftig, who had obtained the degree of Doctoris Medicinae in Berlin, became a naturalised British subject but was not registered on the General Medical Register. At different periods he practised in London, Northampton and Brighton and wrote books dealing with his special subject of eyes, on the title page of which he described himself as William Luftig M.D., with the addition underneath in small lettering of the words "Graduate of the University of Berlin".

Dr. Luftig had on the door of his house in Brighton a plate with the inscription William Luftig M.D., BLN. Proceedings were taken under section 40 of the Medical Act but the justices

held that the inscription did not imply that he was registered under the Act.

The Lord Chief Justice, when the appeal came up, was so impressed with the importance of the case, as it was opened, that he directed an adjournment so that it might be heard before a full court, when he had sitting with him Oliver, Birkett, Lynskey and Sellers JJ. The real difficulty which their Lordships found in the case was the use of the abbreviation BLN. The court had to decide whether the doctor had acted falsely and wilfully and they found that he had not done so. They further found that the description "M.D., BLN" did not imply that he was registered. The appeal accordingly was dismissed.

Goddard L.C.J. in conclusion said that the cases were "in a complete fog" (*The Times*, May 15th, 1949), wherein he went one better that Hewart L.C.J. who thirteen years ago stated that "there is no clear judicial authority on the true interpretation of this two fold section" (*Jutson* v. *Harrow*, [1935] 1 K.B. at p. 243). Lord Goddard hoped that the review of the authorities provided in this case of *Younghusband* v. *Luftig* might help to dissipate the fog, though their Lordships thought that the time had come when the position might be clarified by further legislation.

Chatham House

The observance of the thirtieth anniversary of the founding of the Royal Institute of International Affairs brought together a notable gathering in the Guildhall on July 7th. The venerable Lord Cecil of Chelwood presided in the absence of Lord Astor through illness and was supported by the Lord Mayor and Sheriffs representing the business interests which are so much concerned with international relations in these days. Lord Cecil's name has for so many years been associated with the problems of international organization that his eminent position at the Bar at the beginning of this century has faded from memory. It also seems to have escaped notice that Mr. Lionel Curtis, who has taken a leading part in building up the work of the Institute, was also called to the Bar though he did not engage in active practice. The evening's celebration was a particular tribute to his work which has been marked by his admission as a Companion of Honour by His Majesty the King. Frequent reference was made during the evening to the fact that Canada formed the first of the now forty-three affiliated institutes outside the United Kingdom. The activities in which they are engaged often have need of the trained legal mind to clarify their objectives and avoid the confused ideological outpourings of politicians.