

## FROM AN ENGLISH OFFICE WINDOW

Readers of the CANADIAN BAR REVIEW already know something of the damage which has been done to the Inns of Court and their libraries. I may return to the subject, however, as law libraries have suffered to an exceptional degree. The fine law library of fifteen thousand volumes belonging to the Royal Empire Society has been completely destroyed. The bulk of the remainder of the library is almost intact. The British Museum Library did not suffer a great deal of damage compared with some others but the part which was hit included a section of law. At the beginning of the war King's College moved out of London to Bristol as a safer area and there the whole of its library including quite a good legal section has been destroyed. University College kept the library, which also has a strong legal section, in London and that was damaged nearly to the same extent. Of the four Inns of Court the only one which has retained the greater part of its library in London is Lincoln's Inn. Gray's Inn and the Inner Temple are completely destroyed and the Middle Temple has stored a large part of its collection in a repository outside London where it is inaccessible.

This wholesale destruction of law books necessary for the practising lawyer as well as the student of law, social and economic problems, raises a question which has been discussed off and on for many years, and that is the desirability of establishing a central law library. There is an authoritative exposition of the subject in the report of a committee appointed by the Lord Chancellor on the subject of Legal Education under the chairmanship of Lord Atkin. At the time when it was published seven years ago it was considered to be impracticable to have a "large central library completely equipped with the law books of all the ages, with adequate materials for the study of comparative law over the civilized world." So they proposed the compilation of a combined catalogue which would enable the student readily to find the material needed for his research. But the position is now a very different one. A great deal of that material is now ashes. Arising from them it is possible to see the vision of a great law library in which there would at least be all the laws, law reports and text books of every part of the British Empire and the United States. A central position in the Temple stands bare and seems to invite a worthy structure which would constitute the embodiment of the close legal relationships of the English speaking

peoples and at the same time serve the practical purpose of forming a centre in which each might learn about the other's activities in one of the most important departments of national life.

### *Delegated Legislation*

The legislation of the Parliament at Westminster contains much less detail than is to be found in the enactments of the legislatures of the Dominions. Instead Parliament empowers the Executive to make rules and orders which do not require express confirmation, although in some cases they are subject to disallowance. The method had its origin in the delegation by the King to the Privy Council to make orders and led to a miscellaneous mass of subordinate legislation to which reference was very difficult. Attention was drawn to this state of affairs in 1890 by Mr. Alexander Pulling whose death took place on 13th January at the age of 84. To him is ascribed the invention of the phrase "Statutory Rules and Orders" as a general title. Pulling was a strenuous worker and did an enormous amount to make legislative material more readily accessible. The volumes of the Statutory Rules and Orders were produced by him for more than thirty years and he was also responsible for the Statutes Revised. During the war of 1914 to 1918 Pulling prepared the various volumes of emergency legislation and in particular of D.O.R.A. (the Defence of the Realm Acts). Anyone—and the number was considerable—who had to find his way in that maze was indebted to Pulling for his accurate and detailed labours. Although legislation has been on a wider scope under present war conditions the existence of his well-ordered volumes has been a great help. "*The Times*" in its obituary notice justly observed that "as one who mapped out many trackless fields of law Pulling should not be forgotten among the less conspicuous benefactors of his generation."

### *The Unpaid Judiciary*

Conditions of war have affected the work of Justices of the Peace to an extent which has led to a certain amount of difficulty in connection with the miscellaneous duties devolving upon them rather than with their judicial functions. They still adjudicate in the courts of summary jurisdiction upon ninety-five per cent of all criminal charges. Over twenty thousand men and women in all walks of life hold an office, without any kind of reward, which dates back to the time of

Edward III. Coke's observation made over three hundred years ago is still true, that "the whole Christian world hath not the like office as Justice of the Peace."

War-time difficulties have arisen from the fact that a number of Justices of the Peace have removed from the places in which they hold their commissions. A removal which may be regarded as temporary for the duration of the present emergency may not be considered to fall within the direction given by Lord Hailsham as Lord Chancellor that Justices of the Peace who become disqualified by non-residence should resign their commissions. Additions have been made to the calls upon them for such matters as a declaration on oath that a man has lost his ration book. Members of the Forces, men and women, as well as civilians seek their services, although in some cases the parson or the doctor is an alternative to give a certificate of respectability. The Justice of the Peace has contact with the lives of the people and long residence often gives him an intimate knowledge of the conditions. Until recent years the office has been held for life but the present Lord Chancellor has obtained from Parliament the power to place them at the age of seventy-five, if they have not previously applied to be so placed, on a supplemental list suitable for Justices who through age or infirmity can no longer exercise their judicial powers but can retain their status and carry out non-judicial duties. The suggestion has been that to meet the present emergency they might delegate some of the latter to a wider panel, in particular to officials who are known to be in attendance at certain public offices at definite times. A solution is being found in some areas by the Justices forming a rota and making an announcement that they are available on certain days and hours to execute documents or meet other requirements laid down by law or regulation to be carried out by a J.P. In some areas, especially in the country owing to the transfer of the population, there may be need for an increase of the number but on the whole an adequate provision seems to depend upon more effective organization.

#### *Regulation 18 B*

As a postscript to my previous letter I note that Mr. Liversidge has been released and the allegations against Mr. Benjamin Greene, whose case was decided at the same time (57 Times L.R. 53), have been withdrawn, while it is still necessary to exercise control over him though without his

continued detention. Having obtained the confirmation of the highest tribunal the Secretary of State is now protected from further proceedings and able to relax to some extent, especially as conditions have changed since both men were placed under restraint.

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