THE SOCIAL CREDITER

FOR POLITICAL AND ECONOMIC REALISM

Vol. 21. No. 19. Registered at G.P.O. as a Newspaper. Postage (home and abroad) 1d. SATURDAY, JANUARY, 8, 1949. 6d. Weekly.

From Week to Week

There is little doubt that Communism and the Powers behind Communism regard the Roman Catholic Church as their most formidable opponent in organised form, and if there were no other reason (and there are many) to give close attention to the statements made publicly by the Head of that Church, the Bishop of Rome, from time to time on matters of high policy, that one reason would suffice.

We trust, therefore, that none of our readers will miss the importance of the unusually categorical condemnation of the "Uncontrolled and uncontrollable" conception of the State so dear to Mr. Laski. As reported, the Pope's words, translated into English, were:

"The Church refuses to approve a conception of the State which regards itself as an absolute autonomous entity."

That is the great issue of the coming years. The future of the human race on this planet is bound up with the outcome of it.

• • •

The re-nomination, at the first ballot, against opposition supported by powerful Zionist forces, of Mr. Norman Jaques, M.P., the Social Credit representative for Wetaskiwin in the Canadian House of Commons, is an event of first class significance not merely to Alberta and Canada, but to politicians in this country.

Mr. Jaques, an Englishman by birth, has steadily and unwaveringly exposed and opposed the Zionist-Socialist-Chatham House forces which have been boring into Canadian politics as part of the New Deal-P.E.P.-Fabian-London School of Economics drive for the World Slave State. He has been the target of every kind of attack; his writings have forced the *Canadian Social Crediter* at the demand of the Canadian Jewish Council (if we are to believe the latter) to repudiate him, and to place the paper under the tutelage of an Alberta politician who has been connected with Communist activities. He has probably received more general newspaper publicity (usually unfriendly, but, outside the Communist and crypto-Communist papers, not unfair) than any other Social Credit M.P.

The Jews have stated openly that they would have him turned out; but it is obvious that his constituency is solidly behind him.

What these islands need in party politics is a few hundred men who, like Mr. Jaques, will take a line and stick to it from informed conviction; we are suffocated by party hacks whose "principles" are machine-made by a central source. There is Mr. W. J. Brown; but he is a good deed in a naughty world. Yet there is a future in it.

• • •

"Do you think they'll ever introduce the two-party system into the United States?"—Larry Sullivan.

Well, we've often discussed the possibility of trying it in "Britain."

• • •

"In the United States and Great Britain, powerful influences inside both Governments operating under the tolerance extended to the Reds, got the confidence of both Churchill and Roosevelt.

"Truman was nominated (as Vice-President) with 1,100 votes to only 66 for Wallace, but not until Sydney Hillman (Schmuel Gilman) had approved the change.

"Churchill, a far more experienced diplomat than Roosevelt and also far more realistic, wanted to save from Stalin's grasp as much of the Southern Balkans as possible . . . Churchill was not fooled by Stalin and Stalin knew it, and that is why they were at each others throats . . .

"Roosevelt and Stalin agreed that Manchuria would remain with China and that Stalin and he would back Chiang against the British . . . After that, the way must have seemed wide open to Stalin for all his plans. Here was Roosevelt suggesting a secret deal between himself and Stalin against Churchill, just as he had suggested a secret deal between himself and Chiang against Churchill and as he was later to make a secret deal between himself and Stalin against Chiang."—*The Roosevelt Myth*, John T. Flynn, p.p. various.

So we put up statues to him.

• • •

The quiet but deadly snub administered to the Crippses and Morrisons by His Majesty the King in his Broadcast on Christmas Day, in restoring the adjective "British" to the truncated Commonwealth, has gone round the world, and has, we notice, penetrated the hide of even the "B".B.C.

This review is a journal of realism, and for that reason regards materialism as romantic in the worst sense of the word. We do not require, *e.g.* the *Daily Worker* to tell us that the King is "only" a man, any more than we should pay much attention to such a source of light and wisdom if it explained that a high-tension cable is "only" copper wire. The idea that nothing is real unless you make it in a factory has had a considerable run, but we suspect that in the next few years the difference between picking up a copper coal scuttle and grasping a 132-kilovolt bare conductor will be borne in on many people who are sure they outgrew all superstition when they "did" elementary chemistry.

• • •

The coin-clipping, or stealing while you sleep, monetary policy of the Administration is abetted by its legislative enactments in regard to property both real and personal. The essence of property is not "possession," which is an abstraction; it is control. Every form of property is being shorn of control, except State and Cartel property; and yet there are still large numbers of people who believe that there is no "plot."

We will, however, make one concession to these trusting souls; there is a vicious strain in fallen human nature which would rather that all should go hungry than that some should be fed; that none should benefit rather than that any should profit. It is outstandingly characteristic of the Socialist and Communist mentality; it shows in their faces; and it has been exploited to the full by the Plotters.

PARLIAMENT

House of Commons: December 16, 1948.

Legal Aid and Solicitors (Scotland) Bill

The Solicitor-General for Scotland (Mr. Douglas Johnston): I beg to move, "That the Bill be now read a Second time."

The objects of the Bill are, first to make legal aid and advice more readily available in Scotland for persons of moderate or small means; second, to make provision for the establishment of a Legal Aid Society of solicitors in Scotland; and, third, to make provision for the establishment of a fund out of moneys provided by solicitors in Scotland for the purpose of compensating persons who have suffered loss through the defalcations of solicitors or their assistants in Scotland.

Since the fifteenth century, counsel and solicitors have been available to assist with their professional advice and help poor persons in Scotland. The Act of the Scots Parliament of 1424, which appears to be the origin of this practice, is in striking and imperative terms. I think the House may care to know what it states. It provides that:

"if there be any poor creature who, for lack of cunning, cannot pursue his cause, the King, for the love of God, shall ordain the judge, before whom the cause falls to be determined, to purvey and get a loyal and wise advocate to follow the poor person's cause . . . and if the judge refuses to do the law evenly as is before laid, the party complaining shall have recourse to the King, who shall rigorously punish such judges so that it shall be an example to all others."

The obligation laid by this Act upon the legal profession has gradually developed into a well-recognised, well-established and comprehensive legal system for the assistance of poor persons in the courts in Scotland. Under the system, legal advice and assistance in litigation is available in the Court of Session, in the High Court of Justiciary and in the Sheriff Courts.

The existing arrangements for litigation in the Court of Session, are that the Faculty of Advocates, which occupies the same position as the Bar of England, annually nominates six counsel, known as counsel for the poor, and the two main societies in Edinburgh, the Society of Writers to the Signet and the Society of Solicitors in the Supreme Court, nominate certain persons to act as solicitors in poor causes. These persons carry on, under the supervision of the court, causes on behalf of these poor persons in the Sheriff Court. Practitioners practising before the court elect from volunteers a number to act for poor persons in the Sheriff Courts. In the event of there failing to be sufficient volunteers, the Sheriff nominates sufficient persons to act.

The workings of the present procedure may be illustrated by detailing what would happen to a poor person in Scotland who wishes to make use of the procedure. He ascertains from a lawyer, his friends or the Sheriff's Clerk who are the poor person's lawyers. He goes to the poor person's solicitor, lays the facts before him and gives him some details of his means. He completes a declaration in the form of an affidavit as to means, and then, if the solicitor is satisfied about the matter, he completes a memorandum setting out the facts. The certificate of means and the memorandum are sent to what are called the reporters on *probabilis causa*. These are members of the profession whose task it is to decide whether or not the applicant has a reasonable prospect of success in his proposed action. If the reporters on *probabilis causa* decide that he has a reasonable prospect of success in the action, the matter is remitted formally to the court, and the court formally appoints a solicitor to prepare the memorandum and counsel is selected from the six poor person's counsel appointed from the Faculty to appear and conduct the litigation on behalf of the applicant. Thereafter, the case proceeds exactly in the same way as if it were for a wealthy client, with the perhaps noteworthy exception that neither solicitor nor counsel is entitled to demand or receive any fees whatever for their services. This system has continued for some 500 years.

The main criticisms of the system are these. First of all, there is the fact that it is limited to persons of very small means. At the present moment, it is limited to a person of an income of about £3 a week, with an allowance of 12s. 6d. for each dependent. The result is that many persons who perhaps have good grounds of actions against someone are unable to pursue their legal rights because of inability to pay. The second limitation is that all that is provided is legal advice and assistance. The poor litigant is still required to pay the solicitor's outlay, such as bringing witnesses, the cost of copying documents, and so on, and that, of course, as members of the profession will know, is a very substantial part of any bill of costs or expenses.

Thirdly, the litigant is always faced with the prospect of meeting the other side's costs or expenses if he loses the action, and, as the learned Attorney-General mentioned yesterday in dealing with a somewhat similar Bill, the law is not an exact science, and, accordingly, no lawyer can advise that an applicant is certain of success. Fourthly, the system does not extend to the smaller courts, such as the Burgh court and the J.P. court; and the last objection to the system is that the burden placed on the profession is very heavy. . . .

. . . It was in these circumstances, and in somewhat similar circumstances in England, that the committee set up under the chairmanship of Lord Rushcliffe reported, and, following upon the Report of Lord Rushcliffe's Committee, a somewhat similar committee was set up in Scotland under the chairmanship of Mr. John Cameron, now the Dean of the Faculty of Advocates in Scotland. The terms of reference of that committee were:

"To consider the detailed recommendations of the Rushcliffe Committee and to frame a corresponding scheme for Scotland."

The report received wide publicity in Scotland and in the legal and other Press, and the principles embodied in the report and in the scheme set out in the White Paper are duly followed in this Bill.

Following the King's Speech recently, in which was announced the Government's intention of proceeding with a scheme for legal aid in Scotland, the Lord Advocate called a meeting and invited to it a representative of the Faculty of Advocates and the Presidents of the larger societies of solicitors in Scotland. I should explain, as I will in greater detail later, that there is no one society in Scotland which represents solicitors. The presidents or their representatives of the societies who were invited came from the Society of Writers to the Signet, the Society of Solicitors in the Supreme Court, the Society of Advocates in Aberdeen, the Faculty of Procurators in Glasgow, the Faculty of Procurators in Dundee, and the Scottish Law Agents Society.

There were two meetings. The first was on 11th October, 1948, at which the general principles now contained

in the Bill and the White Paper were discussed. After that meeting, the draft of what is now the White Paper was transmitted to the gentlemen who had attended the meeting, and they were asked to discuss it with their Bills Committee. Thereafter, on 29th October, these same gentlemen attended upon the Lord Advocate at his invitation, and as far as he understood, and as I understood, expressed approval of the general principles embodied in this Bill and in the scheme set out in the White Paper. There were, it is proper to say, reservations on minor points, but I understood, and my right hon. and learned Friend understood, that there was substantial and, indeed, complete agreement on the question.

It is proper to say that the draft Bill was not shown to these gentlemen for the good reason that it had not been presented to Parliament at that date. It would, I understand, have been a breach of the Privilege of this House to have shown these gentlemen the draft Bill. . . .

Now I will turn to the Bill. In doing so, may I say that I intend dealing only with the general principles and not with the details which will require consideration in Committee.

Mr. Spence (Aberdeen and Kincardine, Central): Can the hon. and learned Gentleman say whether the legal profession were fully aware of the terms of Clause II when they gave general agreement to the Bill?

Mr. Johnston: No, Sir, the legal profession were not fully aware of Clause II because it could not be shown to them, but they were told the objects of the Bill and the scope of the Bill.

The Bill provides that legal aid, that is assistance in litigation—and "aid" has a very wide connotation—shall be available in the more important courts in Scotland. These courts are set out in the First Schedule to the Bill and are: the House of Lords, the Court of Session, the Lands Valuation Appeal Court, the Scottish Land Court, the Sheriff Court, the High Court of Justiciary, and the J.P. and the burgh Courts. They are what an ordinary person would term "the courts" in Scotland.

It will be noted from examination of the Schedule that certain proceedings are excepted. . . . it is the desire of my right hon. and learned Friend that we should proceed slowly. It will be noted that there is the power by the affirmative Resolution procedure to extend both the courts before which this procedure will be available and the causes of action.

The Bill goes on to provide by Clauses 2, 3 and 4 that legal aid shall be made available to a person whose disposable income does not exceed £420 a year and whose capital does not exceed £500 a year, and it appears that he cannot proceed without legal aid. I emphasise the words "disposable income and capital" for it will be seen from Clause 4 and from the Second Schedule that in assessing a person's disposable income or capital, what is meant is his income or capital after the deduction of tax, rates, rent and other items specified in the Bill. Further, it is provided that certain items are to be disregarded in assessing a person's total income. . . .

A person who has a disposable income—that is, a single person—of less than £156 a year and a disposable capital of £75 a year will not be asked to contribute anything at all to the scheme. If his disposable income and capital are beyond those limits, he may be required to contribute to the cost of the litigation, subject to certain maximum amounts, part of which are set out in the scheme, and others which will be provided for by regulation. The ascertainment of a person's means will be a matter for the Assistance Board.

I would particularly draw the attention of the House to Clause 2 (3) which provides that an assisted person's liability under an award of expenses against him in the event of his being unsuccessful in litigation, is limited. My own experience is—and I am sure it is that of most persons who practice in the courts—that a large unmber of persons are deterred from the pursuing of their rights because of the fear that if they are unsuccessful they will have to meet what may be a substantial bill of costs or an account of expenses for the other side's counsel's fees, solicitor's fees, and so forth. Clause 2 (3) gives the court or the tribunal power to modify the award of expenses which may be made against the losing assisted litigant. It is, I think, an important provision.

A further right which is created is the right of any person who appears to need it to receive legal advice—that is, oral legal advice—for a nominal fee of half a crown. When I say half a crown, that is the fee suggested in the Bill. The members of the legal profession who will provide this legal aid are such advocates and solicitors who care to volunteer. They will join panels to be set up under the scheme. The assisted litigant may select any solicitor and any counsel whom he favours from these panels. The counsel and solicitors will be remunerated from the Legal Aid Fund —that is, partly from monies provided by Parliament and partly from contributions from such of those persons who are called upon to make payment into the fund, but no person will be called upon to pay directly to any solicitor or counsel. That is provided by Clause 5.

I understand that the terms of Clause 5 (2) have caused uneasiness in the legal profession. This Subsection provides that:

> "Any practising solicitor or advocate shall be entitled to have his name on the appropriate panels . . . unless there is good reason for excluding him . . . "

The intention is that under Clause 7 (8) the scheme will provide that the disqualification of undesirable persons will be in the hands of a committee of the solicitor's branch of the profession and in the hands of the Faculty of Advocates or a committee thereof. But in view of the disquiet which has been aroused, my right hon. and learned Friend intends at a later stage to add a further provision to the effect that in any such case of disqualification there shall be a right of appeal to the court.

Clauses 7, 8 and 9 provide for the administration and formulation of the scheme. I emphasise that it is intended that the scheme shall be formulated and operated by the profession itself. The legal profession in Scotland has had a long and honourable record, and has much experience in the administration of the present Poor Persons procedure on which the scheme in this Bill is largely based. It is, therefore, thought advisable that the main burden of the scheme

(*Continued on page* 6.)

THE SOCIAL CREDITER

This journal expresses and supports the policy of the Social Credit Secretariat, which is a non-party, non-class organisation neither connected with nor supporting any political party, Social Credit or otherwise.

SUBSCRIPTION RATES: *Home and abroad, post free: One year* 30/-; *Six months* 15/-; *Three months* 7s. 6d. *Offices*: (*Business*) 7, VICTORIA STREET, LIVERPOOL, 2, *Telephone*: *Central* 8509; (*Editorial*) 49, PRINCE ALFRED ROAD, LIVERPOOL, 15, *Telephone SEFton Park* 435.

Vol. 21. *No.* 19. *Saturday, January* 8, 1949.

"Wyotah"?

In a two-column article from its Edmonton correspondent on August 24, 1927, *The Times* announced that

> There appears to be a conviction among English Social Credit 'experts' that the Canadian Government never would 'send bayonets into Alberta' to uphold the Federal Constitution.

Since that time the enthusiasm of *The Times* for Constitutions has noticeably waned; but we commend the paragraph to the notice, with material easily available to him on his side of the Atlantic, of Mr. Herbert Harvey, whose article in *Human Events* for December 8 has attracted our notice.

We record Mr. Harvey's suggestions without, at the moment, any commentary of a political nature, other than that they seem to us to mark a turning point in the re-orientation of political opinion concerning the vexed question, What is the individual to do about Power? And the growth of Power? And the still further concentration of Power?

Mr. Harvey asks whether the objective of freedom for a single sovereign State can be accomplished without a new revolution? He says: "Certainly not by any national movement, which at this stage would necessarily be weaker than the political evil it would attack. Nor is there any department of central government (within the theoretical structure of 'checks and balances') which can be appealed to now. All have adjusted to the new dispensation of power. Political parties, which depend on victories at the polls, no longer help. Evidently they dare not take any firm position."

But he thinks a remedy can be found, in America, through the application of the Tenth Amendment to the Constitution, which says:—

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

"Let," says Mr. Harvey, "10,000 families, comprising a political group willing to make sacrifices for their country, migrate as a body to a single state of our present Union. It should be a state where the population is small and in which the local cultural situation is not hostile to the experiment we are about to describe. The new Pilgrims will then be numerous enough to fix the political aspect. It is proposed that the state be converted politically into a model state, conceived in terms of the Constitutional Republic."

The details of Mr. Harvey's proposal, though interesting, are not the main point. "The government we have erected in Washington . . . is largely a government of assumed powers." Quite so. He suggests that Federal troops would hardly enter "Wyotah" to feed State medicine in Federal doses to a population which refused it. Perhaps *The Times* could tell us?

The Butler Act

Five articles, including an editorial, on education occupy the greater part of *Blackfriars* for December. The organ of the English Dominicans is naturally concerned with educational problems from a religious and a Roman Catholic point of view. Writing on "Shall We Lose Our Schools," W. J. Woollen incidentally summarises the consequences of the Act of 1944 in regard to parental rights, remarking that it is a feature of Education Acts and regulations that they deny in one paragraph what they assert in another, and take away with one hand what they give with the other, so that "in practice it has been found that the wishes of parents can be, and are sometimes over-ruled." Mass protests are continuing. (The latest is at Lindsell, Essex, where the Member of Parliament—R. A. Butler—seems slow to secure any response from the Minister.)

In his article, Mr. Woollen says that morally the teacher is responsible to the parents; legally to the education authority, and there is conflict between the two loyalties. "There has," he says, "been reason for disturbance in the proposed Schools 'Record Card.' This has been described as a 'secret dossier' . . . The Report [of the Committee on the Juvenile Employment Service] required comprehensive information about every child, including not only his or her attainments but details about character, use of leisure, and a report on the home and parents. This was described as 'a highly confidential document.' One form issued bore the heading that it would 'under no circumstances be communicated to parents' . . . The Record Card, at the end of the child's school career, was to be passed on to the Juvenile Employment Officer (now called the Youth Employment Officer). It was his place to interview the boy or girl, and to advise on the choice of employment. It was even stated that although normally 'a teacher and the parent' should be present, 'there may be cases where it is desirable that the child should be seen by the guidance officer alone.' It is evident that the authorities had in mind possible direction of labour; the Report, in fact, as much as said so . . . The whole situation was intolerable . . . new recommendations were issued. These are embodied in the Report . . . At first sight it seems to meet the chief objections . . . It does not press for the 'secret dossier,' but admits the right of the parent to see the Record Card. The recommendation . . . still violates the principle that the parents are primarily concerned . . . they only come into the picture at the end . . . The record is a completed one before the parent has the opportunity of checking or questioning the details." The record is, nevertheless, the passport to a living. Mr. Woollen points out that "Parents should be made aware of their rights to refuse the interview for their children."

"Keeping up the Standard of Living"

"What we call 'natural good taste' has almost ceased to exist, as the result of the increasing complexity of existence and the powerful forces, both financial and commercial, which have destroyed it for their own purposes. An immense number of ugly, inefficient and shoddy goods are purchased daily by tens of thousands of women, and . . . the effect of these purchases is to create an environment for living less conducive to civilised life than if such transactions had never occurred."—John Newsom, Hertfordshire County Education Officer.

Self-Denial

Under the heading "This May Mean Lost Jobs Later On," Victor Courtney contributes the following to the Perth (Western Australia) *Sunday Times*: —

"Although I don't suppose it is necessary to emphasise the fact, I, like practically every other Australian, am heartily in favour of denying ourselves some of our plenty to feed the British people—particularly the British children.

"Despite the admonitions of limelight-hunting politicians, I think we have done a fairly good job in this regard.

"But we might be able to do better if our self-denial weren't misued by business interests on certain occasions.

"I employ the term 'misused' because I cannot see any other to fit what is going on.

"To put it bluntly:

"Australians today are practising a certain self-denial that may later on deprive them, or some of their fellow-citizens of jobs.

"There are a number of instances of this, but let us consider a couple:

"For a long time we have rationed ourselves on cigarettes and tobacco, and naturally, a smaller production in Australia has meant less employment, though that, in the present shortage of manpower, doesn't matter so much. By our self-denial, we have allowed into our markets English brands which, later on, may prove very serious competitors.

"It is estimated that more than a million English cigarettes have come into Australia, as well as a quantity of tobacco, during the past few months; and English cigarettes can be seen displayed all over our shops while Australian brands have still been rationed.

"What is the answer?

"Some of that tobacco for imported cigarettes has to be bought at the sacrifice of dollars by Britain while Australia is denying herself dollars to enable Britain to buy necessities.

"The blunt question is: Why can Britain buy tobacco from America to make into cigarettes to sell to Australia while we are limited in dollars, not only for cigarettes, but for many necessary things.

"Self-denial we are practising in this direction is not helping the starving children of Britain but is helping numerous British interests to greater wealth.

"Only last week the story was told in *The Sunday Times* about butterscotch. Every citizen of Australia is denying himself and his family butter in his home because he thinks he is giving it to feed the English people, and he is doing it cheerfully.

"But here, in the case of butterscotch, we have the plain fact that butter, which is supposed to be so rationed in England, is being used in a product to be sent out to Australia, to compete with Plaistowe's butterscotch in Western Australia and other Australian businesses all over the Commonwealth.

"Again, our self-denial is not putting all the butter into hungry British mouths as we thought, but a sizable proportion is going into making products for British business interests which, according to British company figures published every month, are doing quite nicely, thank you!

"Recently, a W. A. manufacturer sent samples of sweets to Malaya and elsewhere. He was told that he could not compete with the British article because his sweets did not contain butter. They did not contain butter because he is not allowed a ration for its manufacture, but the British sweets sold because of their high butter content.

"But you don't have to take my word for this. This week I received a letter from Mr. Malcolm McPherson, Convenor of the Scottish Empire Society. He said: 'I have just seen in the monthly *Housewives Today* the story from your issue of January 18 last about English-made biscuits being packed in very scarce tin boxes and sent out to Australia at a time when Australians are sending us gift food parcels upon a gigantic scale. We require every biscuit which is made in England. After asking for biscuits from the one and only person who can supply us under the rationing system, and drawing a blank, I have given up writing down biscuits in the weekly order. I cannot remember when I had a biscuit last, except the present of some Peek Frean's London make which came to a neighbour in a gift food parcel from U.S. The biscuits were a great treat. Our health is suffering upon a carbo-hydrate calorie diet. What we require is fat, in the shape of lard or suet, and for want of it the folk look pale and listless. Honest doctors say that the rationing is to blame.'

"Most people, I am sure, will agree with what our Scottish correspondent says. The bodies of our kinsfolk in England and in Scotland are more important than the piling up of profits for thriving English companies.

"There is a ramp somewhere, and a ramp in which Australian industry will suffer in the end.

"There are many things which we need and want from Britain—but not those things which are sent back to compete with our own manufactured products.

"I believe the British people are still short of butter. I believe the British people need help, what help we can give them; but I object—and I think you will object, too —to a system which allows butter and other things needed by the English people to be side-tracked into markets to compete with Australian industry and later maybe to take the bread from Australian mouths.

"This, to use a typical English phrase, 'isn't cricket,' and it is time we dealt with those on the other side who are sending down 'no balls.' "

Independent Guernsey

Results in Guernsey's elections for People's Deputies, says *The Times*, announced on December 29, show that one of the 11 Labour candidates was successful and that all the other contested seats were won by Independents. Three candidates had been returned unopposed, and of the 61 who contested the remaining 30 seats, 49 were Independents, 11 Labour, and one Communist. The Communist polled the lowest total—27 votes. The 33 Deputies in the newly constituted State Assembly will sit for three years.

PARLIAMENT (*continued from page* 3.)

should rest on the profession. As the Cameron Committee realises, there must of course be a Minister responsible to Parliament for the scheme and for the expenditure of public money on the scheme, and the Bill provides that the Secretary of State shall be that Minister.

The scheme will be formulated by the Law Society and the Faculty of Advocates, and will be administered through, first, a central committee, then local committees in the more populous places, and local representatives in other areas. . . . It will be the duty of those committees to do two things: first, to decide what contribution, if any, the assisted person shall make to the fund; and, second, to decide whether or not he has a reasonable prospect of success in the proposed litigation.

I think the operation of the scheme might best be explained by considering what would happen to a person who feels that he has suffered a legal wrong and wishes to make use of the scheme. If he knows who are the persons on the panel, or if he knows of a solicitor on the panel in his district, he will presumably go to that solicitor. If he does not know, he will make application to the committee in his area, who will give him a list of solicitors whom he may consult. He will go to the solicitor of his choice and give him some account of his means and of the legal wrong which he alleges he has suffered. If there appears to be a *prima facie* case, the solicitor will then prepare the application and remit it to the local committee for their consideration. If there appear to be reasonable grounds for taking proceedings the local committee will refer the matter to the National Assistance Board who will then ascertain whether or not his means are such as to bring him within the scheme.

If the applicant's disposable income and capital—I again emphasise the word "disposable"—are within the limits which I have described, he will be entitled to the benefit of the scheme. If the applicant is eligible, the local committee will then assess the contribution, if any, which he will make to the scheme, subject to this, that the maximum amount which he may be called upon to pay will be assessed by the National Assistance officer. A legal certificate entitling him to full legal aid will then be issued, and after that the litigation will proceed in the normal way. If the solicitor thinks that it is advisable to obtain the services of counsel, that will be available and will form a charge upon the fund. If the assisted litigant wins the case, any expenses recovered will be paid in to the Legal Aid Fund and will so diminish the applicant's liability for any payment that may be necessary. If the assisted litigant loses the case, his liability for the expenses of the other side will be limited to such sum as the court considers reasonable, having regard to his means and other circumstances.

The procedure in criminal cases has to be somewhat more simple. There will be a simple procedure in these cases in which it is not possible to investigate means because of lack of time, but in cases where there is time—that is, in most cases where the man pleads not guilty—he will receive assistance up to a certain stage, and after that it will be necessary to make inquiries as to the person's means before the assistance is continued. . . . The estimate by the Cameron Committee was that the whole operation of the scheme would cost approximately £250,000.

May I turn from the legal aid part of the Bill to Part II, which deals with other matters? I will be very short on this part. First, it provides for the establishment of the Law Society of Scotland and a solicitor's guarantee fund. This part of the Bill reproduces, with certain modifications, the provisions of the Solicitors Amendment (Scotland) Bill which was introduced into another place last Session by Lord Normand, and which by agreement was not proceeded with. It is a Measure for which solicitors in Scotland have pressed for a considerable period, and which has been agreed by the General Council of Solicitors and my right hon. and learned Friend.

At present there is no unified legal society in Scotland which can speak with one voice for the profession and I know that, so far as the law officers for Scotland are concerned, such a society would be welcomed. I should add that there will be no restriction on membership of this society apart from the possession of a practising certificate which will be issued by the society and which, in the meantime, will be issued by the Commissioners of Inland Revenue. Any person can get a practising certificate who has the ordinary professional qualifications.

The second thing which this part of the Bill does is to provide for the establishment of a guarantee fund to compensate persons who may suffer loss by reason of the dishonesty of a solicitor to whom money has been entrusted or his servants. These cases are fortunately rare, but for a very long time the profession has felt that such cases are a blot upon the profession and that provision should be made so that persons who suffer such loss should be recompensed. This fund will be set up and each solicitor will contribute to it. It is anticipated that the annual subscription will be approximately £5.

The third thing done by this part of the Bill is that it requires a solicitor to keep a separate banking account for clients' money and ensures that solicitors will not unknowingly use clients' money for business purposes. This provides for proper accounting and it is also an essential safeguard both for the solicitor and his client and for the operation of the guarantee fund. . . .

Mr. Willis (Edinburgh, North): . . . unlike the English debate yesterday, the present Debate is certainly not a lawyers' holiday. Apart from the Law Officers we have no lawyers in the House to discuss the Bill. . . .

Mr. Rankin (Glasgow, Tradeston): . . . A good deal has been made of Clase 11. I, too, have criticisms, but that Clause is not among them. If we are to accept the changes proposed by the Opposition, there would result a subtraction of the authority of the Secretary of State and therefore a subtraction of the authority of Parliament. There is nothing which the Secretary of State can do in the making of statutory instruments without the authority of this House, and that authority must be supreme. In seeking to transfer any of the authority of Parliament to any other body outside Parliament the Opposition are attacking the authority of Parliament itself. . . .

Major Guy Lloyd (Renfrew, Eastern): I will begin straightaway by telling the Government and hon. Members opposite, if they are not yet aware of it, that certain aspects of this Bill are viewed with grave suspicion by many people in Scotland, not by any means confined to the legal profession. I have had a considerable amount of correspondence on this subject. Many people are extremely indignant at the way the Bill has been rushed upon us, with no real opportunity either to consider it ourselves in all its important

tricky, legal aspects which the average hon. Member is not well qualified to examine rapidly, and also to take consultation with those who are qualified to advise us on the effects of this Bill and its weaknesses.

I do not wonder that the Bill has excited a certain amount of misgiving and mistrust, because the longer this Government stays in, the more distrust and misgiving the people of Scotland have towards it. Every time it brings forward a Bill people are beginning to enquire into the underlying motive, and whether or not the Bill really means what it pretends to mean. I had a feeling—and others have written to me in the same strain—that all this stuff about legal aid for the poor was to some extent laid on with a brush in order to camouflage at least one of the major points behind the Bill, and that is the Socialist theory of getting hold of the legal profession, if it possibly can, and bringing it under some measure of control.

I have had several people warn me that that would probably be the case, and I had a most interesting conversation the other day with someone who had been reading what I suppose is the Socialist bible on this subject, the pamphlet issued by the Haldane Society. I understand that this society, under that respectable title, confines its membership entirely to Socialist lawyers and members of the legal profession who hold these strange theories of Socialism, that it is a closed shop to anybody else, and that in any case no other kind of person would want to join it.

I understand that this pamphlet—which I have not read but which I have had second-hand from someone who has —makes the point again and again throughout its discourses that if Socialism is to succeed it must control the legal profession, and that every means—I underline those two words —must be taken to get control of the legal profession. However, it obviously cannot be done at once; the public must not be alarmed; the thing must be done with every form of subtlety—a Bill must be rushed through quickly, just before the Christmas Recess.

Mr. William Ross (Kilmarnock): Does it say that in the pamphlet which the hon. and gallant Member is quoting?

Major Lloyd: I am telling hon. Members the gist of what the pamphlet says but, as I have stated, I have not read it and neither has the hon. Gentleman.

An Hon. Member: That is obvious.

The Secretary of State for Scotland (Mr. Woodburn): Obviously one can develop all kinds of fears about things. Could the hon. and gallant Gentleman explain how none of these fears has reached the hon. Gentlemen on his own side of the House, who congratulated the Government on bringing in a somewhat similar Bill yesterday for England and Wales, and how all the legal profession in England and Wales seem to be unaware of the sinister, dark business which the hon. and gallant Gentleman has suddenly conjured up?

Major Lloyd: I do not represent a seat in England and Wales; I represent a seat in Scotland. I am talking about Scotland and the people who have been telling me these things in Scotland, and I say that this pamphlet, which is an authoritative pamphlet issued exclusively by Socialist lawyers——

Mr. Woodburn: Is not this pamphlet written by Socialist lawyers—if they are Socialist lawyers—in England, and why, if the hon. and gallant Gentleman is talking about Scotland, does he quote something which emanates from England?

Major Lloyd: Because Socialism now governs Scotland as well as England. That is the whole point. It is the theory of Socialism which I am discussing. This pamphlet says that because Socialists and a Socialist Government, which, unfortunately, controls Scotland as well as England—I wish it did not—— . . .

. . . In Scotland many people who are not confined to the legal profession profoundly distrust the major motive behind the Bill. They think that in the excuse, with which we all sympathise, of more generous legal aid to poor people an attempt is deliberately being made—the thin end of the wedge—to get some control of the legal profession in Scotland. Having read the Bill, I believe that those people are right in their belief and that one of the underlying motives of the Bill is to get hold of the legal profession in Scotland and eventually to control it as much as possible.

I want to take up a point which other hon. Members have dealt with. It is quite obvious from complaints made by very responsible people in the legal profession in Scotland, and in responsible leading articles in the Press, that they and a great many others are entirely dissatisfied with the prior consultations which took place. That is what is said by extremely responsible individuals and bodies of opinion. Doubtless, some kind of cosultation did take place. I am informed that at one consultation at which the Lord Advocate was present, when there was not a very good attendance, the Lord Advocate said that he hoped no publicity whatever would be given to the consultations. . . .

The Lord Advocate: . . . Let me explain that at the meeting referred to by the hon. and gallant Member I said that these meetings had to be treated in a confidential manner at that stage because it was prior to the publication of the Bill, but that confidentiality should extend to and not beyond the members of the society or their council, who would require to be consulted in connection with the proposals.

Major Lloyd: In other words, what I said was perfectly true, that the Lord Advocate did, in fact, demand that there should be no publicity, and, only because there was no publicity, I quite understand the reasons which the right hon. Gentleman has given. He may have been reasonable in making that request, but people in Scotland who are concerned with this matter have had no real opportunity to consider it at all because the Bill has been rushed. Since their lips were sealed as a result of that request of the Lord Advocate before the Bill was published, and the Bill has been rushed along, there has been practically no opportunity at all for discussion or consultation. That is the major protest which is coming to me and to other hon. Members from Scotland.

The Bill is most unhappy in so far as it deliberately attempts to impose a measure of control on the profession through the Secretary of State for Scotland. That vitiates to a very large extent that part of the Bill which we welcome so much in all parts of the House, the provision of more facilities for legal aid to the poorer sections of the community. As the representative of a constituency I am inevitably the mouthpiece of other people. I am informed that a strong element among solicitors in Scotland believes that some 85 *per cent.* of the clients of the average solicitor's firms in Scotland will come under the auspices of the Bill. If that is so, it will in practice almost compel 85 *per cent.* of the solicitors to register under the scheme and, therefore, come under the control of the Secretary of State, a Government department, and all the rest. This is very important, be-

cause so much emphasis has been laid on the voluntary aspect. If it was anticipated that only a comparatively small section of the legal profession would become involved no one would have objected. . . . If the figure of 85 *per cent.* which has been given to me is a correct estimate, then it is most unfortunate that so many solicitors will be virtually compelled to belong to the scheme. It means that a very large proportion of the solicitors and the legal profession in Scotland will come under the control of the State. That, I say again, is one of the underlying motives of the Bill. One of the underlying principles of Socialism is to control the legal profession. Socialism has already got hold of the medical profession, and the legal profession will be controlled more and more as Socialism develops. This is the beginning, the thin end of the wedge, the hand of the State getting a grip on the collar of the legal profession—and a far bigger grip than even the Lord Advocate and the Secretary of State for Scotland may have imagined, because the Bill undoubtedly affects a large number of solicitors in Scotland.

I want to touch on another point which is causing great indignation among the public and which has nothing to do with the legal profession at all. It is the fact that the public must undergo a means test by the Assistance Board. I think a means test is a sound and practical thing, and hon .Members opposite only continue to oppose it for political reasons, but why should it be done through the Assistance Board? That will be greatly resented. . . .

I want to make it perfectly plain that there are many people in Scotland who are thoroughly suspicious of this Bill. Why should counsel who are employed under the Bill be paid direct by the State and not through solicitors? So far as I know, this is the first time that solicitors do not pay counsel for free or any other legal aid. Counsel in Scotland will receive direct financial grants from the State. If that is not getting as near to the beginning of a salary as could be, I do not know what is. The whole thing smells of an attempt on the part of Socialism to begin to get a grip upon the legal profession. I believe that had we longer time to consult and had we more information in time from those in Scotland who are now beginning to worry, we might have had to move a reasoned Amendment against the Bill, however much we may approve of the general principle of extending legal aid, but because the Government have rushed it and because there has been no adequate consultation we have not had sufficient opportunity so to do.

I hope we shall oppose this Bill very strongly in Committee, and especially those aspects of it which seem to get a grip on the control of one of the very few free professions left. Socialism, which wants to control in large measure the means of production and distribution, now wants to get hold of the free professions. It has already got the doctors and the dentists. Now it is after the lawyers. I protest on behalf of many people who believe this Bill is the thin end of the wedge.

Mr. Malcolm MacPherson (Stirling and Falkirk Burghs): . . . The Bill is called the Legal Aid and Solicitors (Scotland) Bill, but I think it might more appropriately be called the Solicitors and Legal Aid Bill, because the organisation of the solicitors into one body is evidently a preliminary step towards the organisation of legal aid.

The House should note that this step of bringing the solicitors in Scotland into one body, which has been previously discussed on many occasions, has been brought about through the accepting by the solicitors of a public responsibility. The united profession starts its career as such under the best sort of auspices. The occasion for the uniting of this profession has been the acceptance of a very important public duty; and, speaking from outside the profession, one rather hopes that that attitude will develop and grow in the Scottish legal profession, the junior branch of which is just about to be united into one organisation. . . .

(To be continued)

Published by the proprietors K.R.P. Publications Ltd., 7, Victoria Street, Liverpool, 2. Printed by J. Hayes & Co., Woolton, Liverpool.