HOME NEWS

LAND REGISTRY WORK LAGS

DELAYS IN MOVING HOUSE

BIG INCREASE IN CONVEYANCING

A sharp increase in house and property deals has caused a crisis at the Charges Department of the Land Registry at Kidbrooke, S.E. Lengthening delays in the registry returning official search certificates is causing frustration and anger among solicitors and their clients.

A routine procedure which used to take two or three days recently has been taking up to a fortnight with the result that contract completion dates have had to be cancelled, removal arrangements postponed, and a good deal of other inconvenience caused.

The department keeps titles and details of ownership and restrictions affecting land in various parts of the country.

The number of search applications received by the registry in September was one-third up on the same month last year and the increase in the volume of conveyancing since May has caught the registry unprepared.

The normal daily average of searches made is 10,000. Last Monday it was 16,000 and on other days this week 13,000 to 14,000.

EXTRA STAFF

Although some overtime is being worked, including Saturday mornings, and extra staff have been and are being engaged, the registry has been unable to prevent work from building up.

It seems that the increase in work for official searchers cannot be attributed to any one cause. The registry believes that factors responsible include the severe winter, which delayed completions until the summer, and also easier credit. Difficulties have been aggravated since August 1 by the coming into operation of stamp-duty concessions.

A London solicitor, who has 44 years' experience of property transactions, said yesterday that uncertainty about completion dates was causing much disruption to his business and solicitors were unjustly being blamed by their clients for irritating and costly delays.

"We lawyers have to make a land charge search immediately before completion of purchase of property to see that our clients are not put to disadvantage by an eleventh-hour mortgage or some encumbrance", he said. "Ordinarily we put our search application in three or four days before the completion date and the registry was in the habit of letting us have the certificate of clearance or disclosure by return of post.

COMPLETE SURPRISE

"But during recent months it has been taking 10 days to a fortnight to make the return. This places us in an impossible position. We often have 100 jobs pending at the same time. Every day we have several jobs being completed and we have had to put these completions off through not getting replies to our search applications in time."

Mr. T. I. Casswell, Senior Registrar at the Land Registry, said the sudden increase in conveyancing had been a complete surprise. The registry was taking what steps it could, including some overtime working and employment of extra staff. The searchers were mostly married women. It was no good pressing them too hard with overtime, because they would leave and the situation would be worse still.

Mr. Casswell said he hoped they had reached the peak of their difficulties, because the Michaelmas quarter was usually the busiest of the year. The staff were just about holding their own with the work intake each day.

MINISTER WITHDRAWS HOUSING AWARD

FROM OUR CORRESPONDENT

BASILDON, Oct. 4

Sir Keith Joseph, Minister of Housing and Local Government, has withdrawn a housing award to Basildon Development Corporation because faults in the houses have come to light since the judging took place. The houses, in Ghyllgrove, Basildon New Town, won a first prize for high-density development in the Midland section of the Ministry's design competition this year.

Recently it was announced that 374 of the houses had developed leaks, and they are being re-roofed at a cost of more than £80,000. Sir Humfrey Gale, chairman of Basildon Development Corporation, and Mr. R. C. Boniface, general manager, were due to collect their award from the Minister next week.

NEVER-STOP FUEL TRAINS

DR. BEECHING'S PLANS

FROM OUR CORRESPONDENT

BRIGHTON, Oct. 4

"Merry-go-round" trains to service new power stations and large steel works are to be run by British Railways. Dr. Beeching, chairman of the British Transport Commission, said here today that plans for such trains were at an advanced stage.

Continuously coupled trains between pit and consumer would never stop, but would run slowly round loops at proposed terminals. Trains would be loaded from elevated hoppers at the pits and be discharged through their bottom doors at the consumer's depot.

Dr. Beeching, who was speaking at the first conference of the Traders' Road Transport Association, envisaged this system also to transport bulk minerals which already move in trainloads, in particular iron ore.

Mr. K. C. Turner, president of the association, spoke of political uncertainty affecting road transport. Answering a delegate who pressed for a "Mr. Cube" type of campaign now, he said: "The time may come when we are in serious danger and we may have to spend big money." Afterwards he said to reporters: "We would fight hard if the freedom of industry to choose its transport were threatened."

FLATLEY SENTENCED TO 18 MONTHS

Andrew James Flatley, aged 47, company director, of Wee Bridge Farm, Mobberley, Cheshire, was found Guilty at Manchester Crown Court yesterday on four charges against him of fraud and falsification of books. He was sentenced to 18 months' imprisonment on each charge, the sentences to run concurrently.

Anthony Heywood, aged 31, of St. George's Avenue, Daisy Hill, Westhoughton, Lancashire, former secretary of A. J. Flatley, Ltd., clothes dryer manufacturers, was found Not Guilty on each of the same four charges and was discharged. Both men had pleaded Not Guilty.

Mr. Godfrey Heilpern, Q.C., for Flatley, said it had never been suggested that Flatley, personally, had benefited by a penny piece.

£250,000 STUDENTS' HALL OFFER

An anonymous donor has offered £250,000 to Queen Mary College, University of London, for a men's hall of residence. This is provided a suitable site, approved by the donor, can be found within a mile or two of the college.

Announcing the offer last night, the governors of the college said it would be for acceptance within 12 months and on condition that the college was in a position to start building within three years. Overseas students must number not more than a fifth of the residents.

A condiion is that no attempt be made to discover the source of the gift, nor to associate it with any trust or individual, without the donor's consent.

TRIBUTE TO LORD ASTOR OF HEVER

Professor Sir Brian Windeyer, Dean of Middlesex Hospital Medical School, said at the hospital's annual dinner at the Savoy Hotel last night that he had visited the previous chairman of the board of governors, Lord Astor of Hever, a week or two ago, and had found him to be in wonderful health and spirits.

It was, he said, as a result of a grant from Lord Astor of Hever's charitable trust that the hospital had been able to make use of closed-circuit television in their treatment of cases, research and teaching.

Dr. F. Ray Bettley, consultant physician to the hospital, who presided at the dinner, said that at their last annual dinner the proceedings were overshadowed by the departure of Lord Astor of Hever. Now as their chairman of the board of governors, the hospital had Lord Astor of Hever's counterpart, the other side of the coin, in the shape of Lord Cobbold.

POWER SURGE LEADS TO COMPLAINTS

About 56,000 consumers in the Surbiton, Twickenham, Teddington, and Richmond areas complained yesterday after an electricity generating fault which put out excessively high voltages. The South Eastern Electricity Board said the fault arose at Kingston power station and lasted about seven minutes. It caused damage to some equipment and apparatus.

On the question of responsibility the board said that the fault was not on their plant but on the generating board's plant.

TRAIN ROBBERY HEARING

POSTAL OFFICIALS TRIED TO BARRICADE COACH

ATTACKERS "CARRIED COSHES AND AXE"

The driver and fireman of the Glasgow-Euston mail train which was ambushed and robbed at Mentmore, Buckinghamshire, on August 8, gave their accounts of the raid when 15 people appeared at Aylesbury Magistrates' Court, Buckinghamshire, yesterday, on charges in connexion with the robbery.

Mr. Jack Mills, aged 57, driver of the train, told how he halted his diesel train at the signals at Sears Crossing. His fireman, Mr. David Whitby, got down to telephone and shouted that the wires had been cut. Then two men came up and attacked him (Mr. Mills).

"I do not remember how many times I was struck, but the next thing I remember I was on my knees." The cab was full of men with staffs and he was frightened.

He was forced into the driving seat and was told: "Move the engine and get going. When we shout 'stop', stop, or you will get some more."

He drove the train until told to stop. Then two of the raiders handcuffed him to Mr. Whitby and forced them to lie face downwards beside the track.

One man stood over them as they were on the grass. He said: "I will get your address and when this is all over send you a few quid." He also said: "I should keep your mouth shut. They are right bastards here."

About seven or eight minutes later they were lifted into the Post Office van, and before they left one of the raiders said: "Stay there for half an hour. We shall be back."

Mr. David Whitby, of Mill Street, Crewe, fireman of the train, said that when he went off to telephone a man in a railway-type coat grabbed his arm and pushed him down the embankment to where there were two more men.

One showed him a cosh and said: "If you shout I will kill you." Mr. Whitby said he was very frightened.

When they had been put in the Post Office van one of the raiders said to him: "Hey David, don't say anything to anybody; there's some bastards in this lot and they'll kill you."

Mr. Thomas Walter Kett, of Brookside Crescent, Cuffley, Hertfordshire, an assistant inspector employed by the Post Office, said that 128 special bags of mail were in a cupboard and stacked against it. About 3.15 a.m. the train stopped for a few minutes. The train stopped again and another train passed on the down line immediately after a window broke. They assumed it was a flint thrown up by the passing train from the track. Then another window broke.

Mr. Kett said "I shouted: 'It's a raid'. We started throwing the bags up against the door where the window was being broken." He heard a shout from outside: "They are barricading the doors. Get the guns."

Mr. Kett said the raiders were carrying coshes. He saw two men come through one window and somebody came through the gangway door at the rear. This man was carrying an axe. He was a short, rather broad man. About eight men got into the coach.

"We were all driven towards the rear of the coach and made to lie down with our faces to the ground. I was struck on the elbow with a cosh.

"I was in the corner more or less on my knees. As I tried to raise by head over some bags to try to see what was going on I was tapped on the head and told to get down.

"I heard a lot of noise outside the coach and somebody shouted: 'I want some more help over here governor'. I heard the bumping of the mail bags being dragged out. This was some 10 to 15 minutes after the raid started.

"One of the men said they were leaving two men outside the coach when the rest left. He told us not to leave for half an hour if we knew what was good for us, or something like that."

Mr. Kett said that three of the men he saw wore masks. "After a few minutes the driver and fireman came in the coach, the driver suffering from injuries".

There had been 128 special mail packets in the coach. Seven were found to have been left and another was found on the line by the bridge.

In reply to Mr. Wilfrid Fordham, for Goody, he said he did not positively identify any person as being one who took part in the raid.

CUPBOARDS OPENED

In reply to Mr. Ivor Richard, for Brian Field, Mr. Kett said it was usual for the high-value packages to be put in the wooden cupboards secured by a padlock. On the night of the raid there would be about 35 packets in each of the two cupboards.

Mrs. Ethel Emily Clark, of Tweedale Road, Bournemouth, a police officer's widow, said she advertised her garage to let a fortnight before the raid. On August 14 she received a telephone call from a man who said he had come to Bournemouth to start a business in Wimborne.

He went to see her, and said he would like the garage for three months and asked what she was charging. She replied 10s. a week but he said he would pay more. He said he would give her three months' rent in advance and she became suspicious.

Mrs. Clark said the man paid her £7 10s. and when he took the money out of his pocket she noticed he had a considerable sum in his hand. She told the police.

Mrs. Clark pointed out Boal and Corderey in court. Boal, she said, was the man who first called at her home.

The hearing was adjourned until Monday.

THE ACCUSED AND THE CHARGES

The 15 accused are: Roger John Corderey, aged 42, of Hurst Road, East Molesey, Surrey; William Gerard Boal, aged 50, of Burnthwaite Road, Fulham, S.W., and Mrs. Renee Boal, aged 52, of the same address; Charles Frederick Wilson, aged 31, bookmaker, of Crescent Lane, Clapham, S.W.; Ronald Arthur Biggs, aged 34, carpenter, of Alpine Road, Redhill, Surrey; James Hussey, aged 30, painter and decorator, of Eridge House, Dog Kennel Hill, East Dulwich, S.E.; Thomas William Wisbey, aged 33, bookmaker, of Ayton House, Camberwell, S.E.; Leonard Dennis Field, aged 31, merchant seaman, of Green Lanes, N.; Brian Arthur Field, aged 29, managing clerk, of Kabri House, Bridle Road, Whitchurch Hill, Oxfordshire; Robert William Pelham, aged 26, motor mechanic, of Lonsdale Road, Notting Hill, W.; Mary Kazih Manson, aged 42, of Wimbledon Close, The Downs, Wimbledon, S.W.; Alfred Pilgrim aged 52, florist, of Bridge Road, East Molesey, Surrey, and his wife, Mrs. Mary Florence Pilgrim, aged 49; Martin Harvey, aged 28, driver, of Michaelson House Bowen Drive, Dulwich, S.E.; and Douglas Gordon Goody, aged 33, hairdresser of Commondale, Putney, S.W.

The charges are as follows:—

1. Against Corderey, William Boal, Wilson, Biggs, Wisbey, Hussey, the two Fields, and Goody, on divers dates unknown between May 1 and August 9 this year in Buckinghamshire, conspired together and with other persons unknown to stop a train with intent to rob the mail.

2. Against Corderey, Boal, Wilson, Biggs, Wisbey, Hussey, the two Fields, and Goody, on August 8, in Buckinghamshire, being armed with offensive weapons and robbing Frank Dewhurst of 120 mailbags.

3. That William Boal, on a date unknown between August 7 and 15, received £56,037 in money, the property of the Postmaster General, knowing the same to have been stolen.

4. That William Boal, on a date unknown between August 7 and 15, received £79,120.

5. That William Boal, on a date unknown between August 7 and 15, received £5,060.

6. That Corderey, on a date unknown between August 7 and 15, received £56,037 in money, the property of the Postmaster General, knowing the same to have been stolen.

7. That Corderey between the same dates received £79,120.

8. That Corderey between the same dates received £5,060.

9. That Brian Arthur Field did on a date unknown between August 7 and 17 receive £100,900 in money, the property of the Postmaster General, knowing it to have been stolen.

10. That Rene Evelyn Boal did on a date unknown between August 9 and 16 receive £335, knowing it to have been stolen.

11. That on a date unknown between August 9 and 16 she received £860.

12. That Alfred Pilgrim, on a date unknown between August 9 and 16, received £860, knowing it to have been stolen.

13. That Mrs. May Florence Pilgrim, on a date unknown between August 9 and 16, received £860, knowing it to have been stolen.

14. That Pelham, on a date between August 9 and 24, received £545, the property of the Postmaster General, knowing it to have been stolen from a mailbag.

15. That Mary Manson on August 9 received £835 in money, the property of the Postmaster General, knowing the same to have been stolen.

16. That Martin Harvey, on a date between August 8 and October 1, feloniously received £518 in money, knowing it to have been stolen.

Law Report, October 4

COURT OF APPEAL

ACTRESS'S LIBEL ACTION

CALVET v. TOMKIES AND OTHERS

Before the MASTER OF THE ROLLS *and* LORD JUSTICE RUSSELL

Their LORDSHIPS dismissed this interlocutory appeal by Mr. Mike Tomkies, journalist, Associated Newspapers Ltd., of Carmelite House, E.C., owners and publishers, and Eric Bemrose Ltd., of Aintree, Liverpool, printers of the weekly newspaper *Weekend*, from the decision of Mr. Justice Roskill in chambers on July 29, 1963, by which he affirmed the order of Master Ritchie and refused to order against Miss Corinne Calvet, actress, of North Beverley Glen Boulevard, Los Angeles, California, discovery of certain documents relating to her earnings and employment as a film and television actress and night club artiste before as well as after July, 1960, the date of publication of certain articles in *Weekend*.

The appellants were defendants to an action by Miss Calvet for damages for, *inter alia*, alleged libel and injurious falsehood in respect of two articles published in the issues of *Weekend* for July 20-24 and 27-31. Her statement of claim pleaded libel in general terms, with no allegation of special damage. The alternative allegation of injurious falsehood, based on section 3 of the Defamation Act, 1952, alleged that the statements and the publication of them were "calculated to cause pecuniary damage to the plaintiff in that they will prevent her obtaining employment as a film actress in Hollywood and elsewhere".

The action was tried before Mr. Justice Melford Stevenson and a jury in July, 1963, but the jury failed to agree (*The Times*, July 10) and a rehearing was ordered.

Mr. Desmond Ackner, Q.C., and Mr. David Hirst appeared for the defendants; Mr. Helenus Milmo, Q.C., and Mr. Peter Bristow for the plaintiff.

JUDGMENT

The MASTER OF THE ROLLS said that the plaintiff, a screen actress, had brought her action in regard to articles in *Weekend* which attributed to her statements that Hollywood was vicious, corrupt, and cruel, and she claimed that those statements were not rightly attributed to her. The allegation of libel was in the ordinary general terms with no allegation of special damage; and the allegation of injurious falsehood, made under section 3 of the Defamation Act, 1952, under which it was no longer necessary to plead or prove special damage as had previously been required, claimed that the statements and their publication were "calculated to cause pecuniary damage to the plaintiff in that they will prevent her obtaining employment as a film actress in Hollywood and elsewhere". Both counsel agreed that that was not an allegation of special damage at all; and what was now sought was that for the new trial Miss Calvet should produce documents such as accounts and income tax assessments and returns showing her earnings from her employment as a film actress from May, 1958, to July, 1960, and documents relating to her employment with television and night clubs from May, 1958, to date. The Master had ordered discovery of certain documents as to her employment as a film actress *from* July, 1960, but had not made any order as to the other matters.

The question for the Court depended entirely on what was relevant to these pleadings. If the plaintiff had charged special damage, loss of actual earnings or contracts, or indeed an actual decline, by reason of loss of business, in her income or takings, those would be allegations of which particulars and discovery in due course would have to be given. It was always open to a plaintiff in an action such as this to allege special damage. But as there was no such allegation here, the Judge had rightly decided not to order her to produce the documents relating to her pre-publication income up to July, 1960.

PLEADING SPECIAL DAMAGE

The main argument, however, had been about what was going to happen at the retrial of this action if the plaintiff sought to give evidence of the kind which she gave at the trial before Mr. Justice Melford Stevenson, indicating that she had lost a lot of business by reason of this publication. The question whether such evidence was admissible or not should be left to the Judge who would have to try the case, and his Lordship would not wish to prejudice any ruling by that Judge. He would, however, say that where a plaintiff, as here, had taken advantage of the new Defamation Act so as to avoid any necessity for pleading or proving special damage, she must also be saddled with the responsibilities of it; and if she should under cover of that seek to introduce what would in the old days have been allegations of special damage, that would not be permissible. The evidence at the trial on these pleadings should be directed to whether the words were calculated to cause pecuniary damage but no further guidance than that could be given to the trial Judge at this stage. The appeal should be dismissed.

LORD JUSTICE RUSSELL concurred.

Solicitors.—Messrs. Swepstone, Walsh & Son; Messrs. M. A. Jacobs & Co

COURT OF CRIMINAL APPEAL

EVIDENCE OF DRINK

REGINA v. SOMERS

Before THE LORD CHIEF JUSTICE, MR. JUSTICE ASHWORTH, *and* MR. JUSTICE HINCHCLIFFE

Their LORDSHIPS dismissed this appeal by Patrick Somers, aged 28, of Audley Street, Reading, against his conviction, on April 19, 1963, at Reading Quarter Sessions, before the recorder (R. C. Hutton, Esq.) and a jury, of driving a motor vehicle whilst unfit to drive through drink. He was fined £35 and disqualified from driving for one year.

Mr. H. K. Woolf appeared for the appellant; Mr. John Wood for the Crown.

JUDGMENT

The LORD CHIEF JUSTICE, giving the judgment of the Court, said that on March 17, 1963, at about 11.20 p.m., two police officers saw a car being driven in a somewhat erratic manner along a street in Reading. The appellant was driving the car and when the police stopped the car and asked him to get out they noticed that he was unsteady, that his breath smelt of drink and that his speech was slurred.

At 11.55 p.m. he was examined by Dr. Thomas who came to the conclusion that his driving ability was temporarily impaired owing to the consumption of alcohol. The doctor gave evidence of his examination and then went on to say that the analyst's certificate, which was put in evidence as a result of a sample of urine being taken from the appellant, would account for six pints of beer being consumed. He then went on to say that as the appellant had said that he had had nothing to drink for two hours and allowing for the rate at which the body destroyed alcohol, the appellant must have had eight to 8½ pints of beer. The appellant admitted taking only six pints.

The point of law arising was one that was said to be causing particular trouble throughout the country since the passing of the Road Traffic Act, 1962. Section 2 (2) provided for an analyst's evidence of the proportion of alcohol in the blood to be given by certificate. Before the Act, the analyst would have given evidence of the amount of alcohol in the urine and then converted that figure to the amount of alcohol there would be in the blood. He would then go on to say that the proportion of alcohol in the blood would indicate the amount of alcohol consumed by that person and then very naturally, because the jury would require to know, would state the minimum amount that the person had consumed. If the person's last drink had been an hour, two or three hours before the sample was taken then the analyst would estimate the destruction rate and state the number of pints that must have been consumed. Although the analyst was skilled, he would have done those conversions by well recognized tables.

The real question here was whether the analyst had still to be called or could the doctor do the conversion into pints and deal with the destruction rate. Dealing with the destruction rate first, that was purely a medical question. Dr. Thomas referred to a recognized table which was published in 1954 by the British Medical Association as a result of a committee set up by that association. Its title was "Recognition of Intoxication" and had since been published in 1958 and 1960. The 1960 publication dealt with the destruction rate.

MEDICAL KNOWLEDGE

Those rates had been accepted in the sense that nobody had seriously challenged them and those rates were the minimum rates which gave their victim any benefit of a possible divergence. Dr. Thomas told the Court that in his training he had been taught the destruction of alcohol in the body and that the rate of the body's destruction of alcohol was within the knowledge of all general practitioners. As regards that evidence, applying the well recognized principle, Dr. Thomas was entitled to refresh his memory from the latest publication of the B.M.A.

The appellant's real attack was on the conversion by the doctor of the amount of alcohol found in the blood into pints. The doctor had never conducted any experiments and it was not so much a matter for doctors as for scientists. The committee of 1954 had appointed a special panel of analysts in that field and the panel of analysts had produced the tables. Those tables had not only been approved in the original B.M.A. publication but in the subsequent publications of 1958 and 1960, and in other books and textbooks. They had remained the "Bible" since 1954 and no one had challenged them. They had been accepted by the medical profession and formed the medical knowledge of today. The doctor was fully entitled to refer to them. He might not be an expert but that only affected the weight of the evidence and not the admissibility of it.

Solicitors.—Registrar, Court of Criminal Appeal; Messrs. Collins, Dryland & Thorowgood, Reading.

HIGH COURT OF JUSTICE: CHANCERY DIVISION

DISPUTE OVER FREE COAL

JONES AND OTHERS v. NATIONAL UNION OF MINEWORKERS (MIDLAND AREA)

Before MR. JUSTICE WILBERFORCE

His LORDSHIP made no order on this motion, by which the plaintiffs, all members of the National Union of Mineworkers (Midland Area), sought an order that the union be restrained (1) from expelling any of the plaintiffs from membership of the union, and (2) from acting on any resolution of the union or of its area council purporting to suspend any of the plaintiffs from membership of the union so as to prevent any of them from holding or being nominated for election to any office with the union or, alternatively (3) from holding any election for any office with the union pending the trial of the action or further order.

Mr. Arthur Bagnall, Q.C., and Mr. J. C. B. Leonard appeared for the plaintiffs; Mr. Ralph Cusack, Q.C., and Mr. Black for the union.

"CHICANERY"

MR. BAGNALL said that the plaintiffs were all employed at collieries in the Cannock Chase area of South Staffordshire. They complained that the union's Midland Area council had purported to suspend them from membership of the union and threatened to expel them. The particular relevance and urgency of the matter was that there was shortly to be a new union secretary elected. Two of the plaintiffs had sought to be nominated as candidates for that office, but their nominations had not been accepted because of the purported expulsion. If the plaintiffs were right, the passing of those resolutions was procured by about as dishonest a piece of chicanery on the part of the secretary, Mr. Southall, and the committee as could well be imagined.

The union's conduct to the miners was challenged on four grounds: first, that it had not been alleged, charged or proved that the plaintiffs had been in breach of any rule; secondly, that no sufficient indication of the particular charge against them had been given to the plaintiffs; thirdly, that none of the plaintiffs had been given one opportunity of reputing the charge; and, fourthly, that the decision to suspend them was not honest or in good faith.

According to the records the council based its decision on admissions of guilt by the plaintiffs, but the plaintiffs denied having made any admission.

The background to the dispute was the concessionary coal allowance made to all miners. In the Midland Area all union members voluntarily submitted to a deduction of their allowance of coal to be given to retired pensioners. The allowance varied as between collieries and the dispute arose when the council proposed to make the allowance uniform throughout the area. Feelings rose high in certain quarters against the proposal, but the present secretary, Mr. Southall, was a very ardent advocate of it. Some months ago he had been appointed Labour Relations Officer of the National Coal Board, but had not yet taken up the appointment. To some of those who disliked the scheme the position gave rise to some suspicion that Mr. Southall, who had been pressing this uniform scheme, was shortly to take the place of the man with whom he had been negotiating.

It looked as if the whole purpose of changing one of the rules had been to enable the proposed new concessionary coal scheme to be adopted by a majority vote.

MR. CUSACK, for the union, said that there was very considerable resentment of, and a desire to repudiate, the suggestion that there had been any dishonesty or chicanery on the part of the union or the secretary. At a time when relations in the mining industry were considerably improved, it was unfortunate that an allegation should be made against the secretary on the basis that he had accepted office in the National Coal Board.

JUDGMENT

His LORDSHIP said that if the plaintiffs' application succeeded the union would be left without a secretary when Mr. Southall took up his appointment with the Coal Board, which would lead to a considerable dislocation of the union's administration. If the election proceeded the plaintiffs would have lost any opportunity of taking part in it. However, if the plaintiffs succeeded in the action the election, based on an invalid suspension, would be invalid and a fresh election, in which the plaintiffs could participate, would have to take place.

On the balance of convenience there were stronger reasons for not interfering with the election and his Lordship would accordingly make no order on the application.

The union had undertaken not to expel the plaintiffs pending the hearing of the action.

Solicitors.—Messrs. Preston, Lane-Claypon and O'Kelly for Messrs. Evershed and Tomkinson, Birmingham: Messrs. Marcy & Co. for Messrs. Hooper and Fairbairn, Dudley.

EUROPEAN COMMISSION OF HUMAN RIGHTS

CITIZENS SUE BELGIUM

Before the PRESIDENT *and Members of the Commission.*

The COMMISSION today issued the full text of its decision of July 26, 1963, to declare admissible certain parts of the four applications lodged against Belgium under article 25 of the European Convention on Human Rights and Fundamental Freedoms.

In all four cases the applicants are French-speakng persons living in predominantly Flemish-speaking areas. The basis of all the claims is that the Belgian authorities have failed to provide convenient facilities for educating their children in the French language and that the applicants are obliged either to send their children to Flemish-speaking schools or to send them at some expense and inconvenience to French-speaking schools at an excessive distance from their homes.

Two groups of applicants allege that the failure to provide a French-speaking education violates article 2 of the protocol to the Convention, which provides that in the exercise of any functions which it assumes in relation to education and teaching the state shall respect the right of parents to ensure that such education and teaching is in conformity with their own religious and philosophical convictions.

It is further alleged by the applicants that there is a breach of article 8 of the Convention in that the educational system disrupts their family life, of articles 9 and 10, which guarantee the freedoms of thought and expression, and of article 14, which recognizes the right of persons not to be subjected to discrimination on grounds of language, race, or association with a national minority.

The applicants ask that the Belgian legislation be brought into conformity with the Convention. One group of applicants claims in addition damages of 200,000 Belgian francs each.

The Belgian Government submits that the applications should be rejected as being manifestly ill-founded and as being out of time in that they attack a law which was promulgated more than six months before the lodging of the applications.

DECISION

The COMMISSION rejected the applications, in so far as they alleged violations of articles 9 and 10 of the Convention, on the ground that they were manifestly ill-founded within the meaning of article 27 (2). The legislation concerned in no way prevented the applicants from exercising their freedoms of thought, conscience, and expression.

Considering the suggestion that the intellectual development of the children themselves would suffer from their being forced to study in a language other than the one used at home, the COMMISSION observed that the manner of the development and expression of human thought was conditioned by scarcely controllable circumstances such as locality, social background, and so on without *ipso facto* involving thereby a violation of the freedoms of thought and expression. The applicants claimed in effect the right that the stamp of their own personality and culture should be a primary element in their children's education, but no such right appeared in articles 9 and 10.

As far as the alleged violation of articles 8 and 14 of the Convention and article 2 of the protocol were concerned, the applications were admissible and not manifestly ill-founded; the six-month time limit did not apply, as the legislation concerned had created a continuing situation; and there was no domestic remedy by which the applicants could challenge that legislation before the Belgian courts.

FUTURE PROCEEDINGS

The COMMISSION will now proceed by way of a sub-commission to ascertain the full facts of the cases and attempt to achieve friendly settlement between the parties.

MAY ELECTION HINT BY MINISTER

Mr. Deedes, Minister Without Portfolio, speaking of the election date, said at Ashford, Kent, yesterday: "May is always thought to have been as good a month as any. This means there are about six months before we jump into a general election."

He said this after remarking that July, August, and September were not the best months and that left spring and early summer.

Speaking of the Labour Party conference, he said many would find the glacial appearance of fraternity, urbanity, and modernity fascinating and not a little incredible. "They want to be 'with it' and without nationalization, clause four, a wealth tax or any of the old battle slogans. Scarborough has shown us to what length Labour will go in order to woo. It leaves behind the veil how they would act if they were able to win."

Mr. Selwyn Lloyd, M.P., said at Farnham, Surrey, that Labour had given a slick performance but the great issues of defence, foreign policy, and nationalization were just swept under the mat.

1M. TONS OF SALT TO CLEAR SNOW

A stockpile of nearly a million tons of salt is being built up throughout Britain for use if necessary to clear the roads of snow and ice this winter.

Mr. W. P. Tapley, superintending engineer, Ministry of Transport, gave this figure when he addressed the Institution of Highway Engineers on winter maintenance in London last night.

The figure makes a startling contrast with the 35,000 tons bought from I.C.I.—the biggest suppliers—in 1947 for this purpose, or the 425,000 tons last year.

Since salt cost about £5 a ton, Mr. Tapley said, it was clear that if it was to be widely used, more accurately controlled methods of spreading at fairly high speeds would have to be developed.

CHILDREN IN TRIMARAN ATLANTIC CROSSING

FROM OUR CORRESPONDENT

GREAT YARMOUTH, Oct. 4

Two children—a boy of five and his sister aged seven—will sail across the Atlantic with their parents in a trimaran, a triple-hulled yacht, when she leaves Plymouth on October 14 bound for Antigua.

The 45ft. long yacht Spearhead which was recently launched at Great Yarmouth cost about £7,500. The owner, Lieutenant-Commander M. P. L. Badham, a retired naval officer, has had the vessel built for use on charter service in the West Indies.

The nine-berth trimaran will be crewed across the Atlantic by her owner, his wife Anabel, Mr. Colin McCullough and a retired naval cook. The children and their parents crossed the Atlantic three years ago in a converted lifeboat 58 years old.

The Spearhead is built to an American design and will be the third Great Yarmouth built trimaran to cross the Atlantic under its own sail this year.

SMOKER BLAMED FOR HOTEL FIRE

A fire at a Bayswater hotel on the night of September 21 in which four women died was probably caused by a cigarette or match thrown away by a careless smoker, the St. Pancras Coroner, Mr. R. I. Milne, said yesterday.

Mr. Stanley Bliss, assistant divisional officer, London Fire Brigade, said the fire at the Queensway Hotel, Princes Square, originated in a pile of mattresses on the second-floor.

Verdicts of Accidental death were recorded on Miss Patricia Isaac, aged 36, of Bayview Crescent, Bryn Mill, Swansea; Mrs. Susannah Jones, aged 29, also of Swansea; Miss Shirley Norma Betteridge, aged 46, of Campbell Street, Berwick, Victoria, Australia, assistant housekeeper at the hotel; and Miss Dorothy Megson, who lived at the hotel.

"KEELER TAPE RECORDING" IS PRODUCED IN COURT

Mr. Robin Drury, Christine Keeler's former business manager, produced at Marylebone Magistrates' Court yesterday the tape recording which figured in the Aloysius ("Lucky") Gordon affair.

It was the third day of the hearing in which Keeler, aged 21, described as a model, of Devonshire Street, W., Mrs. Olive Nadia Brooker, aged 56, housekeeper, and Paula Hamilton-Marshall, aged 23, of the same address, are accused of conspiracy and perjury.

Each of the women is accused of perjury on June 6, during Gordon's trial at the Central Criminal Court last June.

Appearing with them on conspiracy charges is Rudolph Fenton, aged 39, a West Indian driver, of Adair Road, North Kensington, W.

It is alleged that between April 17 and July 31, at Devonshire Street, the four conspired with others unknown to obstruct the course of justice by concealing from police officers investigating an alleged assault by Gordon on Keeler, the fact that Fenton and Clarence Raymond Camacchio had been present and that Fenton had taken part in the struggle during which the assault was alleged to have taken place.

They are further charged with conspiring to conceal information from the police and conspiring together falsely to accuse Camacchio of demanding money with menaces from Keeler. All are on bail.

Mr. Drury said that on May 26 he booked an hotel suite at Maidenhead for Miss Keeler, himself, and Mr. Alex Murray, a writer, for the purpose of getting away from London with a tape recorder to take down the girl's life story.

"VERY EVASIVE"

Next day Miss Keeler said she had to remain in London. He added: "When I asked her why, she was very evasive but told me that someone was more or less blackmailing her and that she had to see him every evening at the flat in Devonshire Street". She did not mention the man's name at the time.

Arrangements were made for the recording sessions to take place at his home. "We proceeded to take down on tape Miss Keeler's life story and experiences."

Mr. Drury then produced the master tape. Mr. William Howard, for the defence, objected to it becoming an exhibit, and legal argument followed on its admissibility.

The Magistrate, Mr. J. Aubrey-Fletcher, said: "I think it is a matter for the Judge at the trial."

Mr. Drury said in his evidence: "Miss Keeler proceeded to tell me about the 'Lucky' Gordon incident. She told me that on the evening of April 17 she, Miss Hamilton-Marshall, and Peter Camacchio and Fenton had gone out to dinner. They arrived home at Devonshire Street at about 9.30 p.m. Before this they had picked up another woman." Keeler did not name the woman or where they met her.

"When they arrived home the five of them had some sort of a sex orgy during which time the unknown woman got annoyed at Keeler and beat her up.

"After the fight Fenton and Camacchio took the woman out of the flat and then returned. Miss Keeler told me that the four of them, herself, Miss Hamilton-Marshall, Fenton, and Camacchio started to leave the flat.

Mr. Drury said that Keeler told him during the tape-recording session that when they got to the front door of the flat "Lucky" Gordon was there and asked to speak to her. She said "No", and insulted him, and he got annoyed and went to strike her.

NAMES WRITTEN DOWN

"Miss Keeler told me he did not hit her as Fenton or Camacchio held him back and she ran upstairs to the flat. When I asked why she had said that 'Lucky' had hit her then, she said he had been pestering her for approximately 18 months and this was a way of getting him off her back."

Keeler had told him that "three people had stood up in court and lied". Mr. Drury added that Keeler told him that once the "Lucky" Gordon trial was over she would no longer have to fear blackmail. She had said Fenton was blackmailing her.

Cross-examining Mr. Drury, Mr. Howard, referring to the tape, asked: "Apart from the police, since it was made has it been in anyone else's possession?"

Mr. Drury.—Yes.

Whose?—I will write them down.

Why do you want to write them down?—Because they are people not involved.

Mr. Drury then wrote on a piece of paper handed to him by the clerk of the court, and Mr. Howard asked for this piece of paper to be made an exhibit, after the Magistrate and counsel had read it.

Mr. Howard asked Mr. Drury for the names of the people who had heard the recording and the Magistrate asked him why he wanted this.

Mr. Howard.—There are two matters here. One is whether this witness is telling the truth and the other is, if not, why not.

Mr. Aubrey-Fletcher.—So you want to know the names of the persons so that you can inquire of them?—Yes.

The Magistrate.—Then I think you are entitled to the names but I think they should not go on the deposition.

Mr. Drury then wrote more names on another piece of paper.

The tape recording was made an exhibit after Mr. Drury had refused to allow the defence to listen to it because, he said: "It is my copyright."

The hearing was adjourned until October 28.

News in Brief

SMOKING CLINIC.—York Corporation is to set up a clinic to help people to give up smoking.

UNIVERSITY APPEAL.—A building fund appeal launched by Liverpool University to meet the needs of students has reached more than £314,000.

LORD ROBENS'S VISIT.—Lord Robens, chairman of the National Coal Board, left yesterday to attend an international coal conference in Tokyo.

GIFT TO ALGERIA.—When told yesterday that there was a hunger emergency in Algeria Oxfam granted an immediate £5,000 and pledged £12,000 more.

ORDER FOR TYNESIDE.—Swan, Hunter and Wigham Richardson Ltd., of Wallsend, have received an order from C. T. Boring and Co., Ltd., for a 23,300-ton dead-weight bulk carrier.

NEW PRESIDENT.—Professor R. F. J. Henry, Professor of Surgery at Trinity College, Dublin, was elected president of the Society of Thoracic Surgeons of Great Britain and Ireland in Dublin yesterday.

COASTER SAFE.—The Dutch coaster Maaskade, which was in trouble on Thursday off the Cornish coast after her cargo had shifted, was safe last night in the shelter of Lundy Island in the Bristol Channel.

MISSING PROFESSOR FOUND.—Professor John Bennett Black, aged 79, formerly of Aberdeen University, missing from his home at Ashtead, Surrey, since Tuesday, was found in Brighton yesterday and taken to hospital.

CHILD RESCUED.—Police-constable Hywel Thomas dived fully clothed into the river Taff at Merthyr Tydfil last night and rescued Dewi Mazoni, aged six, of Swan Street, Merthyr, as he was being swept towards a weir.

JAPANESE VISIT ARCHBISHOP.—Eighteen Japanese religious leaders called on the Archbishop of Canterbury, Dr. Ramsey, at Lambeth Palace yesterday. They are visiting Britain to express thanks for the signing of the nuclear test ban treaty.

WINCHESTER COLLEGE JEWEL THEFT

Hampshire police were yesterday investigating the theft of jewelry valued at £2,000 from the home of a Winchester College housemaster. It was taken from a bedroom at Bramstons house, St. Michael's Road, Winchester, and belonged to Mrs. Hamilton, wife of the housemaster, Mr. G. R. Hamilton. Both were out at the time.

5M. PINTS OF BEER GOES TO WASTE

FROM OUR CORRESPONDENT

BIRMINGHAM, Oct. 4

A strike by 1,300 workers at Ansells Brewery,

"Train Robbery Hearing." Times, 5 Oct. 1963, p. 6. The Times Digital Archive, link.gale.com/apps/doc/CS101934405/DSLAB?u=webdemo&sid=bookmark-DSLAB. Accessed 19 Sept. 2023.