PART TWO
THE LIFE OF LORD DENNING

CHAPTER 2
THE LIFE OF LORD DENNING

“Lives of great men reminded us,
We can make our lives sublime
And departing leave behind us
Foot prints in the Sands of Time”[1]

[From ‘A SONG OF LIFE’ (7th Stanza) By - Henry Wadsworth Longfellow 1807-1882]

The Right Honourable The Lord Denning Alfred Thompson
Baron Denning (1899-1999) OM, PC, DL Master of the Rolls
2.1 General Introduction:

Any ‘Thesis’ approved exclusively upon the ‘Life and Works’ of a great personality must witness now he (she) ‘Footprints’ on the ‘Sands of Time’. Here the ‘Life’ comes not as a passing reference but as a major area of research quite equal to that of the ‘Works’. Though such ‘Thesis’ are broad in nature and lack any further shades it becomes quite necessary to stress the peculiar aspects of their contribution to the development of human values. ‘Life is to be studied from the various angles and we have to show how the ‘Works’ are the outcome of its influence which ultimately may be the influence of the concerned age. Here we have chosen the world famous Judge Lord Denning for an exhaustive research. He and his selected works are the exclusive areas or research. Although he was a great Judge, he was also a great Barrister, a great writer of both legal and literary classics. Here we have chosen his autobiography, ‘The Family Story (1982) and many of his life experiences which he told the world after his self superannuation in 1982. Lord Denning was the last Judge who remained in office without any reference to his age. He had become a legend in his own life time. Many biographies were written on him when he was alive. Many articles were written on his life and his specific contribution to the field of the common law literature and social service in his life time as well as after his death. Some of them have become the important sources of the ensuing exhaustive studies on ‘The Life and Works of Lord Denning.

2.1 The Birth of Lord Denning:

Lord Alfred Thompson Denning, Baron Denning [lovingly called ‘Tom’ by his family members and cronies.] was born on 23rd January 1899 at Whitechurch, Hampshire. (P-1) At the time of his birth, his father Charles Denning was running a ‘General Drapery Stores’ in the central area of white church. (P-2) Charles had also to visit frequently nearby villages and hamlets in order to supply the rural folk with their needs. His grandfather William Denning (P-3) was fond of music. He was also an expert organist. He used to devote his performing arts in the service of the Church. He was also invited to teach music at the Ladies’ College, then recently started. The Denning family had already lost their ancient estates at the Manor of Marr. They were now facing economic difficulties. Fortunately Charles married Clara (P-5), the daughter of John Thompson, a prosperous coal merchant from Lincolnshire. (P-4) The Thomsons actively
supported the Dennings in all type of their difficulties. Lord Denning’s mother Clara started working as a School Teacher. (P-8) This small but certain income strongly supported the small scale industry in which Charles was engaged. Lord Denning’s maternal grandfather Thompson provided his daughter Clara to buy two houses in Newbury Street one for residential purpose and another for business. (P-37) Meanwhile Charles was appointed as a Jury for the Whitechurch Assizes. They lived together for 52 years. Lord Denning’s father Charles was a well read man. He had enough quotations and proverbs on tip of his tongue. He knew much of the poetry of Shakespeare, Byron, Scott and Wordsworth. He was also a poet. Lord Denning’s mother Clara was a lady of high resolution. She had fine features and was very intelligent. They both had strong patriotic feelings. They were pious people having great faith in the sacred teachings of Lord Jesus Chirst. (P-20) About religion Lord Denning had stated [The Family Story - Preface][2]

“Religion – very present in our family. 
Faith in God handed down from generation to generation”

Lord Denning had described the 20th century as the most dangerous century in the history of the world. All the young male members of the family had played their roles. All the five brothers fought in the First World War [1914-1918][2]. Lord Denning lost two brothers who according to him were best of them. He himself left the Royal Army, took up legal education became a barrister and then entered the British Judiciary. The two brothers also fought in the Second World War. Their perseverance made them a General and an Admiral.
2.2 Lord Denning’s Education

(Lord) Denning was a weak child in his teens. He and his two years senior brother Gordon were admitted to the National School of Whitechurch. Here (Lord) Denning won a Scholarship to Andover Grammar School. He was given prized for his essays on the leading English writes like ‘Macaulay’, ‘Carlyle’ and Milton. It was the time when the First World War broke out. Many School Teachers joined the Royal Army/Royal Navy. They were replaced by the lady Teachers, irrespective of the required educational qualification. In short, alongwith the war the academic progress of the British Schools was on decline. (Lord) Denning himself was deeply interested in mathematics but the teaching staff was not fully able to solve his problems and academic queries. Denning brought some books and started his self studies. He, anyhow, learned various theorems of Algebra, Geometry, Arithmetic, Calculus and Statistics. Meanwhile he qualified himself for the admission to the Southampton College but his village elders advised him to join Oxford or Cambridge University. London University was also the best option but the expenses of that great metropolis were much higher than anywhere in the British Isles.

Lord Denning appeared for the Oxbridge Examination of 1914 (aged 15) and cleared it in flying colours. It paved the way for his future education in the Magdalen College affiliated to Oxford University. They offered him an ‘exhibition’ of £ 30 per annum in order to enroll for the branch mathematics. The sum was very scanty. There was no hope from the parents. Lord Denning any how decided to join the college. Meanwhile his well wishers tried for him and the Hampshire County Council decided to allow him another scholarship worth £ 50 per annum. Soon he became one of the most favorable students of Sir Herbert Warren, Head of the Magdalen College who was a strong patriot. He advised his students to respond to Lord Kitchner’s appeal – ‘Your Country needs you’. Denning appeared for his Degree in Mathematics for the March/April 1917 Examination. He was declared to have passed the same in First Class by June of the same year. Lord Kitchner’s appeal, Sir Warren’s advice and even spontaneous patriotic feelings were constantly pressing him to join Royal Army when his beloved nation was in calamity. The reports of the Battle of Somme were coming. (P-52) Many of his friends had already joined the armed forces. Even his two brothers had done the same.
2.3 Lord Denning and the First World War:
Denning applied for the entry in the armed forces but the Army Doctor after; conducting a test, advised the Selection Committee not to allow the young man (Denning) on account of his “systolic Heart Murmur”. Denning preferred an appeal over this decision to Higher Military Authorities. He requested them to allow him “some” work as he wanted to serve his nation. Denning’s strong patriotic feelings finally won and the appeal was allowed. The Higher Military Authorities enlisted him as a cadet in the Royal Hampshire Regiment. He then was promoted to Royal Engineers as a ‘2nd’ Lieutenant (17.11.1917).(P-9) In March 1918, the German troops entered Amiens and Denning’s squad was sent to France.(P-24) The Royal Engineers built certain bridges in the Continent for the swift army movements. When one of such a construction was going on at the River Ancre, the German Air Force made it target. (P-23) Denning received minor injuries. He took some medical treatment in a Hospital. He was demolished on 06-02-1919. He returned to Magdalen College Oxford. Meanwhile he was selected for the Elden Law scholarship worth £ 100 per annum.
2.4 (Lord) Denning’s Legal Education:
After achieving the prestigious Elden Law Scholarship, Denning had some option to study law. However, this scholarship could not be utilized in case he had chosen to study his favorite subject Mathematics at the Pot-Graduate level. In the Faculty of Law, he had two options either to complete “B. C. L. (Bachelor of Civil Law) at Oxford or to complete a practice oriented degree of the Barrister-at-Law form the Lincoln’s Inn or any other remaining three Inns of Court. He opted to become a ‘Barrister’ He chose Lincoln’s Inn for his Legal Education. His admission was confirmed on 04.11.1921. He was called to the Bar on 13.06.1923. He completed his required practical training under he famous legal expert Henry O’ Hagan. (P-19)

2.5 (Lord) Denning and the Legal Profession:
Denning must have had faced some economic difficulties while in his education. Here he worked as a Part Time Teacher in mathematics for a Local School. (P-19)
Denning’s association with the legal expert like Henry O Hagan proved to be a great success. In the beginning of his profession, he started to accept the small briefs from the clients who wanted to affect the mutation entries, small bail petitions, especially the persons who had failed to pay the rail tickets and fines. He also started to write articles for the prestigious Law Quarterly Review e.g. Jan – 1925. [3]

Title:- Quantum Merit and the statute on frauds

Now the big briefs too were coming. His name and fame was constantly increasing. To him all briefs were equal. Nothing ‘small’ or ‘big’. He treated all his clients with equality too. Perhaps this very quality made him a Peoples Judge in the coming years. At a very young age (in his thirties) he started to appear for the High Court and the Privy Council where his senior colleagues advised him not to appear before the county courts. Albeit he could take the small matters but they should be handed over to the juniors. Denning followed the advice. In 1932 he was invited to edit the Smith’s Leading Cases. He also became a Supervising Editor for the ‘Bullen & Leake’s ‘Precedents for Pleadings in the King’ Bench Division”. By 1936 his income was around £ 3000/- per annum. He had opened his own chamber at the Brick court. In a famous case he successfully argued an exemption clause in the contract. [L’ Estrange v F Graucob Ltd. [1934] 2 K B 394]
When he was elevated as Judge, he developed his different views on contract. He himself has written- [4]

“If you are an Advocate, you want your client to win. If you are a Judge you don’t care who wins exactly. All you are concerned about is Justice”

As stated earlier, Denning was an ardent follower of Lord Jesus Christ. He always wanted to serve the Religion. He never charged a single penny from the Church Authorities who took his legal advice. He worked as Chancellor of the Diocese of London as well as the Diocese of Southwark. Meanwhile he applied to become a King’s Counsel. Royal Proclamation of 07-04-1938 listed him on the Royal Legal Panel. In the same year, Duce Mussolini along with Fuhror Hitler formed an ‘Axis’ by taking the help from the Russians and the Turks. They challenged the authority of the British Empire. Their armies entered Poland. It was the beginning of the Second World War (1939-1945) Denning once again wanted to serve his motherland. However he was now in his forties. Meanwhile Sir Alexander Maxwell [Minister of Crown] advised the King-Emperor George – VI to declare a War Emergency. England was to be divided into many self governing regions. If one region was cut off, others must run independently. Each region was to have a Regional Commissioner and a Legal Advisor. Mr. Denning became a Legal Advisor of North – Eastern Region. In 1942, Mr. Denning was working as an advocate over the famous case Gold vs. Essex County Council [1942] 2 K B 293.

Here, he strongly argued for the implementation of the Legal Maxim-

*Qui facit per Alum Facit Per se*

*(He who acts through another, acts for himself).* [5]

And a Hospital was field liable for the professional negligence of their staff.

In 1943, Mr. Justice Wrottesley was suffering from some illness. Lord Chancellor Simon asked Denning to act as a ‘Commissioner of Assizes’ to take his place.(P-15) In those days it was regarded as a ‘trial –run’ for entering Judiciary. Denning worked at Manchester. Mr. Justice Lynsky recommended the Lord Chancellor that Denning was quite fit for the Judiciary. On 06-03-1944, Denning was advancing his delicate arguments before the Privy Council, the Lord Chancellor Simon took him aside and told that his name was being recommended to His Majesty to the judicial appointment at the High Court of Justice. Inspite of the lucrative legal practice,
Denning decided to accept this new challenge of life. However, he requested for some time for a final decision.

Illustration – 8
Lincoln’s Inn – where Lord Denning took his Legal Education

2.6 Lord Denning First Marriage
Lord Denning had to marry for two times. At the time of first marriage, he was the member of the Bar while at the time of his second marriage, a member of the Bench. As given earlier, the Dennings were the pious people having faith in God and His beloved Son, Lord Jesus Christ. His Grandfather, father, mother all had great respect for the Abbots, Curates, Bishops and Archbishop of Canterbury. Mr. Denning’s father had developed intimacy with Dr. Harvey, who was the Vicar of Whitechurch. (P-11) Mr. Denning met this Vicar’s Daughter in 1914. He was 15 and she was 14 at that time. They left the Vicarage in 1923 because Dr. Harvey had to take the responsibility as the Rector of Fawley. Dr. Harvey sent her to Reading University for studying in the Faculty of Agriculture. Meanwhile Mr. Denning was at the War and there after that he was called to the Bar. He soon became a progressions advocate. In 1930, Mr. Denning proposed for a marriage which actually was postponed due to Mary’s illness. It actually took
place on 28-12-1932. (P-12) Dr. Boutflower, the Bishop of Southampton blessed the newly married couple. On 01-04-1938 Denning took silk and on 03-04-1938, the son Robert was born. (P-18)

Those were the happiest days in the life of Denning. Soon the U. K. declared a War against Germany. It was the beginning of the Second World War. The life of the nation was at stake and so was the life of Mr. Denning too. Mary fell ill. The doctors diagnosed gallstones. Denning took the help of veteran Dr. Geoffry Marshal and provided her a high class and costly medical treatment. On 22-11-1941, she breathed her last at the Brompton Hospital. Denning boldly faced the situation and took up the responsibility of small Robert on his shoulder.

2.7 Lord Denning’s Elevation to the High Court

On 06.03.1944, Lord Chancellor Simon had asked Mr. Denning if he was ready to render services to the Crown as a High Court Judge. Mr. Denning replied in positive. The Royal Proclamation in this regard was issued on 07/04/1944. His Most Excellent Majesty the King – Emperor George VI conformed Knighthood on Mr. Denning in the same month (March 15th). Now he was called Lord Denning of Whitechurch, throughout the British Empire. (P-15) He took part in the Runnymede Ceremony in 1945. (P-25)

The elevation proved to be a great success in the life of Lord Denning. He was elected as a Bencher of the Lincoln’s Inn, one of the most reputed Law Schools of the world. He was chosen it’s Treasurer in 1964. Lord Denning had no practical experiences of the Family Law (Marriage, Divorce and the Custody of Minors). In those days, this field was treated as an inferior type of practice. London had scarcity of Advocates practicing on this side. Along with Lord Denning two other advocates had taken oath for accepting the responsibility to work for His Majesty from the Bench. Out of three only one had some practical experience to deal with the divorce and related matters. Lord Denning worked hard because the field was comparatively new one. Many of his judgments were appreciated not only in the United Kingdom but also in all the Commonwealth Realms. In the United Kingdom the judgments of the High Court can be challenged before the Court of Appeal or the House of Lords. Lord Denning’s historic judgment in
was also challenged and the popular ratio was reversed. As already stated, Lord Denning was never interested in the Probate, Divorce and Admirably Division. However, he was faithfully and utmost carefully discharging his services to the Crown. When Lord Jovitt was elevated as the Lord Chancellor he decided to entrust the entire King’s Bench Division to Lord Denning. The same was advised to His Majesty and Lord Denning entered into a vast area of civil and criminal appeals from the magistrates and the county courts. It was the most challenging Job. On the very first day of his entrance at the King’s Bench, (his crony) Hon’ble Mr. Justice Glym Jones greeted- [6]

Welcome Home!

Lord Denning thanked him from the bottom of his heart. (P-16) He always treated his colleagues, especially the senior ones with high respect. The world reflected the similar respect for him throughout the century of his life.

As a head of the King’s Bench Division, Lor Denning had to hear a number of pension appeals most of which were against the Crown Ministry of Pensions. He started to put the burden of proof upon the organization/Ministry rather than an individual.

In James Vs. Minister of pensions [1947] K B 867, He allowed the plaintiff /appellant more time for gathering evidence which in fact was rejected by the Tribunal. Lord Denning remained liberal in the matter of the condonation of delay. Many new ratios were established in the field of service jurisprudence. His judgments on a war pensions were openly praised by the British Legion. They wanted to apply the ratios of Lord Denning to the cases previously decided by the judiciary. It is miraculous to note that the British Legion requested His Lordship to hear 73 cases which were urgent in nature. Lord Denning ordered them to present all the matters when there was the time of interval.

Thus all the 73 mattes were taken on board on 11.07.1946 and the same were heard carefully and simultaneously decided. He was coming to his fifties at that time. Deciding 73 cares of the ‘Board’ in a day has itself become a major world record in the judicial history of the
Commonwealth Realms. When Lord Denning was a High Court judge, he had to inflict the capital punishment on a number of people (especially murder and those who were engaged in waging a war against the Crown) His stern view rapidly changed after the Second World War. In 1950, the Royal Commission was appointed to constitute the pros and cons of the capital punishment. In 1984, he has written in unambiguous words. [7]

\[
\text{Is it right for us, as a society to do a thing – hang a man?—Which none of us individually would be prepared to do or even witness? The answer is ‘No not in a civilized society’.}
\]

Thus, after 1984, we find great changes in the thoughts of Lord Denning in relation to the application of penology to society. These were his thoughts when he was an octogenarian.

2.8 Lord Denning’s Elevation to the Supreme Court of Appeal

After serving five years in the High Court of Justice, Lord Denning was elevated to the Supreme Court of Appeal. It is an appellate court over the High Court. However, under the S-12 to 15 of the Administration of Justice Act 1969, certain appeals can go to the House of Lords directly. They are called the ‘Leap-Frog Appeals’. The Judicial Committee of the House of Lords is the highest court of appeal for all the Commonwealth Realms.

The Judges of this court are called ‘The Lord Justices of Appeal’. Lord Denning was given a letter of Appointment on 14-10-1948. Lord Denning took the oath as a Privy Counselor on 25.10.1948. In this court Lord Denning continuously started to reform various types of family law disputes in the British Isles through his ‘Judge Made Law’. Lord Denning’s various judgments on deserted wives and their rights of property became the classic judgments of all the times. They are referred all over the world. They become the base of the male female equality in the practical terms of law. He was the first judge to declare that the deserted wives have a right to maintenance even after the official divorce [Divorce Reform Act 1969 UK, Hindu Marriage Act –1955(India) etc.]

It must continue up to their death/remarriage, whichever is earlier. In the famous case Bendall v Mc Whirter [(1952).2.OB.466] Lord Denning declared that the deserted wives have a full right over the matrimonial home to occupy. Here we find the role of His Lordship as a protector of
human rights and a spokesman of the real male female equality. However the judgment provoked the British conservative society. A Press – Reporter has requested Lord Denning. [8]

“So do us all a favour and take a Roll and run off
Beachy Head and don’t come back “.

Meanwhile Lord Denning’s effort to restore the Human Rights of the Deserted wives received a setback when the grand House of Lords heard the appeal –

**National Provincial Bank vs. Ainsworth (1965) A. C. 1155**

Lord Hudson criticized Lord Denning for making unnecessary upheavals in the ‘Family Life’ of the nation. Meanwhile the U. K. faced a huge public cry for the reform in family Law. Baroness Summerskill introduced a Bill to introduce the deserted spouse to occupy the matrimonial home. The British Parliament was compelled to enact – **The Matrimonial Homes Act – 1967.**

2.9 Lord Denning’s Second Marriage:

As studied in 2.6, Lord Denning had to marry twice. His first wife marry died at a very young age. She had left their small son Robert to be looked after by him. In the ‘Family Story’ we find a photo of His Lordship with a small lovely boy.(P-59) Miraculously Lord Denning is here in his judicial robes. He is either going to or coming from the Court.(P-58) We certainly find a tension in his eyes. The photograph of 1944 has a power to show us the manifold tensions on Lord Denning. In 1945, Lord Denning met Mrs. Joan Stuart (Afterwards Lady Denning) a widow with three children, Pauline, Hazel and John. They decided to support each other and to fill up the lives of each other and all the four children with joy. Their marriage took place in December 1945. (P-14&31) It proved to be a highly successful one. (P-71) On 23.10.1993, Lady Denning suffered a heart attack leaving Lord Denning at the hands of their children. By that time he was running – 94.

2.10 Lord Denning’s elevation to the House of Lords:

As stated earlier, Lord Denning had witnessed five generation of the British Royal House. King Emperor George VI died in 1952. He was succeeded by his elder daughter (and the present reigning) Queen Elizabeth II. Her reign becomes last one for the life of Lord Denning. The history states that Her Most Excellent Majesty had always appreciated the works of Lord Denning. She further encouraged him. (P-27) After the resignation of Lord Oaksey – in 1956,
Lord Denning was asked to work as a Law Lord for Her Majesty – in the Judicial Committee of the Privy Council at the Grand House of Lords. (P-21&39) The appointment might have reduced his chances to become the Master is the Rolls or even the Lord Chief Justice of the Realm. He decided just to follow the Royal order [He was very fond of quoting from literature – On page 35 of the Family Story, he quotes – from ‘The Charge of the Light Brigade’ composed by Alfred Lord Tennyson which the researcher thinks is even applicable to His Lordship –[9]

‘There is not to make reply.
There is not the reason why -

Accordingly he was elevated on 24-04-1957. He visited the sacred Winchester Cathedral. (P-56) Now, he was Baron Denning of White church. An ancient Coat of Arms was chosen. The words were inscribed on it. Lord Denning had a great respect for the former Judges of the Realm – Lord Mansfield and Lord Coke. He always regarded then as the ‘Classic Preceptors’. We also find their images on the Coat of Arms.(P-40) In those days the Grand House was dominated by the Rt. Hon Mr. (The Lord Chancellor ) David Patric Maxwell Fyfe (1st Viscount Killmuir) (1954-1962) and the Lord Chief Justice Lord Goddard (1946-1958). He was succeeded by Lord Parker of Waddington (1958-1971).

It is to be noted that in those times a staunch orthodox and conservative Judge the Rt. Hon Mr. Justice Viscount Gavin Turnbull Simonds was the Lord of Appeal in Ordinary. He was also a senior Law Lord. Sir Henry Willink was the Dean of the Court of Arches (1955-1971) (The Master of Faculties). Sir Frank Boyd Merriman was the President of the Probate Divorce and the Admiralty Division. Sir Patric Arthur Delivin was the President of the Restrictive Practices Court. In short it seems that the high spirit of conservatism had dominated the entire scenario of the British Legal system. Lord Denning’s ideas were also not extremely radical, however, he was certainly looking ahead than his other contemporaries even by frankly quoting the differences which he had with Viscount Simonds. Her Most Excellent Majesty the Queen Elizabeth II is the reigning monarch of the U. K., Australia, Canada, and New Zealand. Apart from these, a number of overseas departments are kept under the aforesaid dominions. The Queen’s relation with the Executive, Legislation and Judiciary are governed by the unwritten precedents.
The Privy Council is the Apex Court of Appeal for all these dominions. Here what the ‘Judges’
deliver is not the Judgment but an advice to Her Majesty. It is accepted by Majority. The
minimum number of Law Lords who hear the appeals is five. At least three must agree to
execute the advice. But this is the theory. In practice the advice is given in full majority. The
unwritten conventions stress that there should not be dissenting opinion in the Privy Council. G.
F. Lock – Public Law (1985) states that Lord Denning was the first Law Lord who gave a
dissenting opinion in the STRAUSS CASE. Meanwhile a Royal Order appointed him to be the
Deputy Lieutenant of Sussex. Besides all these high responsibilities he was still guiding the ‘To
Be – Barristers’ of Lincoln’s Inn’ as his leisure permitted.

Illustration – 9
The Royal Courts of Justice London U. K.

2.11 The Master of the Rolls:
Lord Denning was appointed as the Master of the Rolls to the Supreme Court of Appeal on 19\textsuperscript{th}
April 1962. His name was recommended to the Queen by the then Conservative Prime Minister,
The Rt. Hon. Sir Harold Macmillan. Eminent jurist Griffith maintained that the judges cannot be
politically neutral because they are placed in positions where they are required to make political
choices which are sometimes presented to them, and often presented by them, as determinations
of where the public interest lies; that their interpretation of the position is part of established authority and so is necessarily conservative, not liberal. Griffith argued that-

‘Judges are the product of a class and have the characteristics of that class. Typically coming from middle-class professional families, independent schools, Oxford or Cambridge, they spend twenty-five years in successful practice at the Bar, mostly in London, earning very considerable incomes by the time they reach their forties. This is not the stuff of which reformers are made, still less radicals....unorthodoxy in political opinion is a certain disqualification for appointment’.

Lord Denning’s modes operandi was quite individual one. The House of Lords had a ‘Joint work’. The House of Lords (as a whole) is an Apex Court while the Grand Office of the Master of the Rolls is subordinate to it. The House of Lords is for the United Kingdom (England and Wales, Scotland, Ireland (Belfast Region), Isle of Man), Australia, Canada, New Zealand, Falkland etc. The Master of the Rolls is primarily concerned with the England and Wales. However, the precedents of this office have a strong guiding force for a number of Commonwealth countries. Further the great jurists like Lord Denning have certainly increased the glory of this court by their ceaseless efforts. (P-60)

In 1962, Lord Evershed tendered his resignation to the Lord Chief Justice – Lord Parker of Waddington. The Royal Administration asked Lord Denning if he was willing to occupy the Grand Chair of the Master of the Rolls – the second highest court of England and Wales. Lord Macaulay, in his History of England has stated that the First Master of Rolls was appointed in 1295 A. D. Lord Denning was appointed on 19-04-1962. Apart from the other necessary emoluments and high honours, the Crown decided to bestow a net salary of £ 9000/- per annum to the designation. While Lord Denning was willingly ‘coming down’ from the ‘first court’ (House of Lords) to the ‘second court’ (Supreme Court of Appeal), the Grand Privy Counselor the Rt. Hon. Mr. Dinglefoot wailed. [11]

“We shall miss you a great deal in the Privy Council more especially when we are dealing with the subtle intricacies of the foreign Laws”

The remark of Sir Dinglefoot must carefully be taken. According to him, the Privy Council was (and still is) in need of the great jurist who can interpret the laws of the various dominions which are under its vast jurisdiction. Recently the dominions have passed the laws which have further
decreased the jurisdiction of this “Apex Judicial Organ”. However the dominions can still consult this ancient court with a “fitness certificate”. It is their privilege. India after passing the Privy Council (Abolition of Jurisdiction) Act 1948 has discarded sending of appeals to the Privy Council. She does not regard the HMEM the Queen- Elizabeth – II as the Head of the State. For us the Queen is the Head of the Commonwealth. India is a respectable member of the Commonwealth. It is the biggest country in relation to population within this prestigious international organization. Professor H. W. R. wade, the celebrated academician welcomed Lord Denning to the office of the Master of the Rolls in the following words- [12]

“I feel that you will be moving back to the real center of gravity of the law where your creative power can be of the greatest service. Your escape from the House of Lords will be a greatest event of our Legal History.”

Lord Denning’s another great contemporary – Lord Auckner expressed his joy in the following words – [13]

“When you spoke at the Circuit Dinner you said that the House of Lords was like Heaven. One should not go there until one was dead. We are delighted to welcome you on the ‘Land of the Living’.


“Lord Denning’s decision to move step down was after a deep pondering. In those times the House of Lords was bound by its own decisions. They were not in position to develop Law. The annual output was much less than the Court of Appeal.”

Those were the revolutionary ideas of Lord Denning which compelled the House of Lords to depart from the ancient doctrine of blindly following the precedents. The historic judgments in this regards was issued in 1966.

In England apart from the judicial work, the Master of the Rolls is in charge of the entire legal constitutional and the Royal documents including the previous judicial records of Her Majesty’s Government. In 1963, the Record occupied four miles shelving! Lord Denning sent his famous Record Report to the Lord Chancellor and clearly stated that the modern technology must be used to make the Record safe in a small space. Lord Denning famously often took the side of the socially weaker party against the stronger. He backed deserted wives, wounded soldiers battling
the Government over pensions, customers arguing against banks. However, according to the article of Suchitra Vijayan, University of Leeds UK.-[15]

Although he saw himself as champion of the underdog – the ordinary citizen, the consumer, the deserted wife – he supported employers against trade unions, education authorities against students, and the Home Office against immigrants.

2.12 Lord Denning’s Report on the Profumo Affair:

Illustration-10.

Front cover of Lord Denning’s Report on Profumo Affair.

In 1960 – The Rt. Hon’ Mr. Harold Macmillan was appointed as the Queen’s First Minister. John Profumo was working under him as Secretary of State for wars and emergencies. He was representing Stratford – upon – Avon, Shakespeare’s birth place. In 1961 Profumo met a beautiful young girl Christine Keeler. Leading writer Philip Knightly through his book ‘Profumo Affair’ states that the Secretary was certainly infatuated by the ‘Showgirl’. It is also said that the said Christine was also having a certain relationship with one Yevgeni Ivanov an employee in the Embassy of Russia in the U. K. In January 1963, Christine told everything to the Royal Police Department. According to them there was no matter of any crime. The matters related to the morality of the ministers were beyond their jurisdiction.
Meanwhile the leading newspapers published the matter from their social and even political angles. Profumo rebuked to take legal action on account of defamation. According to him he had done nothing wrong. He also defended himself and his political party in the House of Commons. However those were the days when the generation witnessing the mighty World Wars was alive. They knew the roles of ‘showgirls’ like ‘Mata Hari’ who were linked with the French as well as their enemies the German soldiers.

Even after the World War, the Cold War was going on between the Anglo – American and the Russo-Chinese powers. India had kept a policy a keeping safe distance from both of them. The rest of the nations followed either first or the second power. Some of them came to the path of the Indian policy. In such a crucial time Christine’s relationship with alien on one hand and her close intimacy with the Crown Minister on other created havoc throughout the Commonwealth Realms. The Americans were also studying the matter with their own angles. There was a large scale public cry not only against Profumo but also against the Prime Minister Sir Harold Macmillan as well as their Conservative Party. Meanwhile the Royal Administration appointed a Commission. Profumo resigned. Lord Denning was asked to search truth. (P-66) It was the matter not of a single minister but of a nation which wanted to save the military secrets. Lord Denning started his work on 24-06-1963. He checked 160 related personalities. The huge report was published in 60 days. It is one of the World Records. It is known as- [16]

‘The Scandal of Christine Keeler and John Profumo’ Lord Denning’s Report 1963

Her Majesty’s Stationery Office records that 105,000 copies were sold in three days. There were long queues to buy the report. In the Report Lord Denning found that John Profumo was primarily responsible for the Scandal. He had made false statements in the House of Commons. He had misled his own Prime Minister. Lord Denning clearly stated that the Police department had not made an impartial inquiry. Sir John Hobson, the then Attorney General of England had taken objections on certain findings of Lord Denning. According to him no person should be condemned merely on the basis of suspicion. There must be a concrete evidence. John Profumo turned himself to social service of cleaning toilets at East End Region. HMEM the Queen
Elizabeth – II conferred a CBE on him in 1975. Profumo died in 2006. Christine Keeler has recently written her Memoirs and has also appeared on the British Television.

2.13 Illness and Controversy:
Lord Denning was a gifted personality. His health was quite good up to 1979 (age 80 at that time). He was still working with high vigour. However from 1979 his body was not going to cooperate with his heavy work. He was slowly becoming physically as well as mentally weak. In 1979 certain problems arouse in his hip and legs. The doctors advised for an operation. His leg was shortened an inch. He took walking practice. The health conditions must have some effects on his judgments and strange opinions (which he never had expressed before) too. Once he was delivering a lecture at the Cumberland Lodge. He stopped because he had forgotten the details of the case. His judgment in 1980’s Birmingham Six was also criticized by some jurists. In those times he had already started to take the ‘Christmas series’ in his hand in order to keep his legacy – the Golden Treasury for the coming generations.

The Discipline of law (1978), The Due Process of Law (1979), The Autobiography – The Family Story (1981) already written. Each book successively crossed the sale of the earlier one. The legal and judicial fraternity was constantly waiting for a new book. The situation was encouraging Lord Denning to handover something new in the hands of his lovers. In 1982, he published his third classic – ‘What Next in the Law’. It created havoc throughout the Commonwealth. The publishers asked the booksellers not to sale 10,000 copies. Lord Denning must have forgotten certain elements of History. The British (English) people ruled all over the world. The Statute of Westminster created a Commonwealth of Nations in 1938. Instead of Ambassadors, there are High Commissioners within the Queen’s Realms like Australia, Canada, New Zealand, Jamaica etc. Even in India which is a fully independent democratic country we have High Commissioners from the Commonwealth countries and vice versa. The history has made the British Isles the home of ethnic minorities – the Asians (Called Brasians); the Africans, the Maoris (from Australia /New Zealand) etc. have all become the official ‘subjects’ of Her Majesty for the British Isles. Same is the position in Australia, Canada and New Zealand.

The newly added subjects are the outcome of the historical accidents and the social upheavals. In India too we find a number of Anglo-Indians and the descents of the Portuguese and the French
rulers at Goa and Pondicherry. There are also people from China and Sri Lanka. The position is more or less same throughout the world. The social assimilation is a slow, steady but a certain process.

Unfortunately the book ‘What Next in the Law’ had a passage –[17]

“They English are no longer a homogenous race. They are White and Black, Colored and Brown. They no longer share the same standard of conduct. Some of them come from the countries where bribery is an integral part of life.”

Lord Denning was a sitting judge in those times and that too for the second highest court of England. Should a sitting judge express such an opinion based on the sheer prejudice for a certain section of the Her Majesty’s subjects? It was an opinion based on racism and linguism. It was nothing but an outcome of chauvinism.

The Times Wrote: Indeed a great judge has erred greatly. Eminent jurist Eric Crowther – [18]

“Lord Denning had all Christian Virtues except Resignation”

The Society of Black Lawyers wrote to the Lord Chancellor, Lord Halisham of St. Marylebone. Even they rebuked to inform the matter to the QMEM Elizabeth II, in case if Lord Denning – not stepping down.

2.14 Resignation & Death:

Lord Denning was the last judge who remained in office without any reference to his age. In 1982, his running age was 84. Lord Denning’s apology for the racial remarks in ‘What Next in the Law (1982) appeared in the newspaper on 21-05-1982. On the very next day a meeting took place between Lord Halisham and Lord Denning. The matter must have been discussed. Lord Denning tendered his Resignation and fully ended his judicial career. On, 05-07-1982,

The Rt. Hon Mr. George Thomas arranged for a grand banquet in honour of Lord Denning’s longest judicial services. Lord Halisham and the Rt. Hon Mrs. Margaret Thatcher were personally present at this occasion. The other eminent personalities who attended the programme
were Hon. Geoffrey Howe, Lord Lane, Hon. William Whitelaw, Hon Michael Havers and Hon. Christopher Lever.

The programme was attended by 300 eminent lawyers practicing mainly at the Privy Council and belonging to the various parts of the Commonwealth Realms. On 29-09-1982, Lord Denning delivered his last judgment in (1983) 2 AC. 803

*George Mitchell v Finney Lock Seeds Ltd.*

The longest judicial career of the world – which stated in 1944 ended in 1982. It was a span of approximately 40 years. It is the career of the Apex Judiciary and not of the Lower courts or the county courts.

Lord Denning’s resignation made him ‘free’ after more than half a century ceaseless efforts in legal and judicial career for the excellent results. He had promised to write the five volumes of the Christmas series. Three were published so far along with a separate autobiography. Now he started to write with full vigour. The Closing Chapter appeared in 1983 and the last one ‘Land makers in the Law appeared in 1984. ‘Leaves from my Library’ an English Anthology of 274 pages was also published by the OUP at New York – in 1986. The last book mentioned here is not considered as a part and parcel of the Christmas series.

Lord Atkin was senior to Lord Denning. Lord Denning had opportunity to appear before His Lordship Lord Atkin at the Court of Appeal as well as at the House of Lords as a young Barrister. By delivering the famous judgment in – *Donoghve Vs. Stevanson* [1932 AC 562] Lord Atkin changed the course of the Law of Negligence. The case is important for both the Common Law and the Civil law countries. It’s sound judgment still attracts the jurists all over the world. Lord Denning had a great respect for Lord Atkin. He always considered his seniors as his preceptors.

Lord Denning was 96 at that time. After 1995, Lord Denning discontinued his frequent visits from Whitechurch to London. On 25-11-1997, Her Majesty the Queen Elizabeth II conferred the Grand Order of Merit upon Lord Denning. Considering his health, a Special Representative of the Royal Government went to Whitechurch.
Lord Denning was very glad at that time. He had devoted his energies for the studies of the Old and the New Testaments. His centenary was celebrated at the Holy White Church on 23-01-1999. He received the best wishes from Her Majesty and the Royal Household. [19]

A number of other telegrams too arrived. A mighty bell called ‘Great Tom’ was cast in his honor at the gates of the White Church. His eyes and ears were not working properly. On 05-03-1999 his family members were compelled to admit him to the Royal Hampshire Hospital. The doctors declared his departure to Heavenly abode. It was an end of a glorious era. He had chosen his own Epitaph – which runs thus –[20]

“Remembrance of me in good works, that is now I should like to be remembered.”

A Memorial Service was held at the Westminster Abbey in the month of June 1999. Many eminent personalities like the Lord Chief Justice paid their tributes to the “Life of Law”. Prof. Wade along with Prof. Forsyth had recently completed his classic commentary on the ‘Administrative Law’ and he heard about the death of Lord Denning. He immediately dedicated it towards the memories of his mentor.

2.15 INFLUENCES ON LORD DENNING:

To assess this miraculous personalities properly, the researcher thinks to study the very influences under which he was impressed and that perhaps was the very source of inspiration to him in achieving these tasks.

2.15.1 Dr. William Temple

William Temple (1881 –1944) was the Archbishop of Canterbury (1942–44). A renowned teacher and preacher, Temple is perhaps best known for his 1942 book ‘Christianity and Social Order. It set out a vision for post-war society.
He was of the opinion the Christians and Jews should come together to restore peace in the world. The point may also be converted into the effect of religion upon the life and works of Lord Denning. Lord Denning was an ardent follower of Lord Jesus Christ. In the very Preface of The Family Story he writers – [21]

"Religion was perhaps the chiepest influence of all. Not talked of much. Yet very present in our family. If religion perishes in the land, truth and justice will also. We have already strayed too far from the path of our fathers. Let us return to it, for it is the only thing that can save us”.

In short the religion was a backbone of Lord Denning family. They were ardent follows of the pious Christian principles. Lord Christ's teaching of the self sacrifice for the welfare of the society encouraged the all young Denning brothers to enlist in the Royal Army and to fight a 'War for Civilization'. Among the five brothers, two were lost. According to Lord Denning they were best among them. We cannot imagine how Lord Denning's parents – father Charles and mother Clara could get courage to bear the sorrow of the loss of their two beloved young sons. It must be their firm Faith in God and His Son to sacrifice the buds of their family in the path of their nation. Among the belongings of his martyr brother Jack, they had found a pocket size copy
of the Holy Bible given to him by his mother on his Confirmation and a copy of Palgrave's Golden Treasury. When his another elder brother Gordon died of illness due to war service an hour before his death he had asked his mother to read 23rd Psalm. [22]

"The Lord is my shepherd.  
Therefore shall I lack nothing ...  
His loving kindness and mercy  
Shall follow me all the days of my life  
And I will dwell in the house of Lord forever."

The incident strengthened the Spirit of Belief in Lord Denning still further. From 1937 to 1944 he was the Chancellor of the Diocese of Southwark. From 1942 to 1944 he was the Chancellor of the Diocese of London. He was always ready to provide legal advice to the religious institutions without charging any penny. It was his 'Service to God' Lord Denning's Christianity is the Spiritual Christian Religion - a part and parcel of the Cosmopolitan Human Religion - which further recognizes no 'Temporal Fragments' like- the Roman Catholicism, the Protestantism, the puritanism, the Evangelical Lutherans, the Calvinism, etc. He was a follower of 'Human Rights' rather than the 'Dogmatic Rites'. His outlook was very broad. Even as a judge he had a similar eye for all religions of the world. In the Global Journal run by Patrick Henry College an article appeared. In it we find.[23]

"Denning does consistently refer to the works of the late Archbishop of Canterbury Dr. William Temple. Indeed were described him as one of the greatest thinkers of the present century."

A portion of the 'Landmarks in the Law' (1984) has been given to the Jewish studies. He has also pointed out the difference between the Christian and the Jewish beliefs. However his human outlook further states.[24]

"The Christian and the Jews should further come together in the Search of Truth"

As a judge, for Lord Denning it was not the 'Religion' but the 'Freedom of Religion' which deserved the first attention. [25]

"Freedom of Religion mean that we are free to worship or not to worship to affirm the existence of God or to deny, it to believe in a Christian Religion or any other religion or in NONE just as we choose."

Even in the television interview taken by Michael Doherty on Easter Sunday of 1995, Lord Denning stated and further proved that it was nothing but the Christian religious influence upon
Lord Atkin who delivered his world famous judgment in Donoghue vs. Stevenson (1932) AC 562. In an address to the Law Society (November 1954) Lord Denning stated. [26]

"A great number of people today think that law and religion have nothing in common. The law they say governs our dealings with our felLaws. But religion concerns our dealings with God -with the things of the next world – not with the things of this word in which we are living. It is a philosophy which still governs the lawyers of my generation. But it is a false philosophy. The truth is that, although the religion, law and morals can be separated, they are dependent with each other. Without religion, there can be no morality, and without morality, there can be no law."

It is interesting to note that the last two lines of the address have now toured into the 'Maxims' of Modern English language. In 1944, Lord Denning wrote an article in the Law Quarterly Review entitled 'The Meaning of Ecclesiastical Law". It is one of the best short commentaries on the delicate subject of Canon Law. According to him the Ecclesiastical law means the law administer by the Ecclesiastical Courts through Parsons. It is the discipline of the clergy in matters of doctrine and rituals, the grant of faculties, the grant of marriage, licenses, and matters relating to consecration, sequestration of livings, dilapidations, monuments, Parsonage houses and repairs. There is a separate Court of Arches where the Lord Chancellors appoint the leading experts on the Canon Law under the sweet will of the Monarch. The Age of Lord Denning witnessed the eminent and reverence personalities - Sir Wilberham (1934-55), Sir Willink (1955-71), Dr. Wrigglesworth (1971-72), Dr. Kent (1972-76) and Rev. Kenneth Elphinston (1977).

Without a doubt Lord Denning had become a living legend. Iris Freeman in his biography "Lord Denning A Life" published in 1993, when Lord Denning was alive quotes that in an interesting case. In Re (L) (Infants) - he reversed a Judgment of the Lower Court which had handover the custody of the minor children to a divorced wife believing that should the wife get the custody there would be no chance of saving the marriage.
2.15.2 Lord Atkin

Illustration-12.

*Lord Atkin of Aberdovey, Lord Denning’s Preceptor in Professional Legal Studies.*

James Richard Atkin, Baron Atkin (28 November 1867 – 25 June 1944) was a Barrister who was elevated to the Bench by His Majesty. He always thought of himself as a Welshman, and was President of ‘The London & Welsh Club’, 1938 to 1944. It is to be noted that the Crown Prince of the entire Commonwealth Realms is historically called the Prince of Wales. Lord Akin had a self-confidence of having his Welsh ancestry.

His father died in Australia in the following year. The circumstances forced him to come to Wales and to continue his education. James was much influenced by his grandmother and acquired from her devotional attitude towards the pious teachings of Lord Jesus Christ, which became a backbone in his future career. Atkin attended Bangor School and the world famous Magdalen Coolege affiliated to Oxford University. It is interesting to note that Lord Denning was also the student of the same college. Here he read classics and played tennis. Atkin was called to the bar by the Gray’s Inn in 1891 and scoured the London law courts assessing the
quality of the advocates so as to decide where to apply for professional legal training. He was ultimately impressed by Adv. Thomas Scrutton and as did most beginning barristers at the time, struggled to find work.

Lord Denning had enough opportunity to appear before Lord Atkin as a young barrister. Lord Atkin came to a settled view early on in hearing a case and, as a Law Lord, his colleagues often found him somewhat stubborn in his opinions and difficult to persuade as to the merits of alternative views. Here Lord Denning recollects the memories of Lord Atkin from his classic judgment in

**Donoghue v Stevenson 1932 AC 562**

Some manufacturers of ginger-beer had been careless and left a dead snail in the opaque bottle. A lady drank it and had become ill. According to the previous law she had no claim against the manufacturers. They had made their contract with the wholesalers, and not with her. So they were under no duty to take care especially with her. Lord Atkin persuaded two Scottish judges on the Bench to agree with him. They held the manufacturers liable. But two English judges had clearly dissented. They had been brought up in chancery. Lord Atkin approved of Lord Esher. He said- [27]

“‘Who then is my neighbour?’ The answer seems to be - persons who are so closely and directly affected by my act that I ought reasonably to have them in mind as being so affected when I am directing my mind to the acts or omissions which are called in question”.

According to Lord Denning, it was nothing but the influence of the Holy Bible which compelled Lord Atkin to do the absolute justice by implementing the strict liability. Michael Doherty, an expert depicting the educational videos requested Lord Denning to pay his tribute to his senior preceptor and also explain the delicacies of the Modern Law of Negligence which is an ardent need of the hour. Lord Denning agreed for the same. The interview was recorded on Easter Sunday of 1995. It lasts for 35 minutes. According to Lord Denning the classic judgment from his preceptor has become a back bone of the modern law of negligence.
Illustration – 13

Lord Denning at the age of 96 paying his tribute to his preceptor Lord Atkin for his Landmark Judgment in Donoghue v. Stevenson 1932 A.C. 562.

Liversidge v Anderson

In Liversidge vs. Anderson 1942 AC 406 the question there was as to the meaning of the Defense Regulation 18B. It gave the Home Secretary the power to detain a person ‘if he has reasonable cause to believe the accused to be a hostile origin or association’. Could the courts inquire into the validity of the Home Secretary’s decision? The majority of the House of Lords said the court had no jurisdiction. Lord Atkin dissented. He said that in a civilized societies it is the will of the people and not the despotic attitude of the Administration must be the foundation of the governance. He decided it on a deviating point of argument. One Liversidge was detained in the Brixton Gaol under the provisions of the S. 18 B of the Defence [General] Regulation. Nobody knew the very causes of his detention. The said Regulation gives vast discretionary powers to the Royal Police Department. They must have to satisfy the Queen’s Counsul for the detention. Meanwhile Liversidge sued the Royal Administration for his false imprisonment. The then Home Secretary was under the burden to justifying the action of the Royal Police. They pleaded that they had reasonable cause to believe that Liversidge was clearly related to the associations which were hostile to His Majesty. It was necessary to control him. Then Liversidge asked for particulars. All the Law-Lords except, Lord Atkins, held that Liversidge was not entitled to the particulars. Adv. Denning (afterwards Lord Denning) thought then, that the rest of the judges were right. Lord Atkins however dissented.
He did it, not on a most technical interpretation of the statute. He read the regulation as if it was to be construed objectively- ‘If there is reasonable cause to believe’; whereas, the rest of the judges read it subjectively- ‘If he (the Home Secretary) has reasonable cause to believe’.

Lord Denning always regarded Lord Atkin as his preceptor in professional Legal Studies. However, he was always honest in quoting his opinions. Those were the views of Lord Denning when he was a young advocate in his fortees. We clearly find the high fluctuation in his opinion on various legal issues when he was an octogenarian. According to the researcher the ‘LATER’ views of Lord Denning must be preferred. Same is the position of his opinion upon the Capital Punishment. In advanced years His Lordship has clearly condemned the evil and the cruel practice.

2.16 The English Literature

Illustration – 14

*Front cover of the Golden Treasury*
**Lord Denning's Love for Literature:**

Lord Denning had great love towards the English language and its old and new literature. In the 'Family Story' he tells about his father Charles Denning - in the following words.

"We were astonished that he knew so much Shakespeare, Byron, Scott Wordsworth - he had them all at his command."

Lord Denning father had tried to compose some poems. He had provided us a miraculous poem composed by his father in 1880 - almost a century ago (from the date of writing the family story in 1982). The poem depicts the martyrdom of a brave soldier and the emotions of sorrow of his parents. In 1916, exactly 36 years after the composition of the poem, Lord Denning parents had to face the similar situation when his elder brother Jack sacrificed his life for his nation in the First World War. Lord Denning must have received the literary qualifies from his father. His mother Clara was a teacher and he must have received the legacy of teaching (to the society) in a simple language from her. The Family Story opens with the sacred Psalm 90.9

We spend our years  
as a tale that is told

Soon behind it we find two lines from Shakespeare Henry V Act IV Sc.3.

"This story shall the good man  
Teach his son  
We few, we happy few  
We band of brothers."

Tennyson's, Lines on Englishry have also been quoted in the preface to The Family Story.

"Saxons, Normans and Danes are we"

Shakespearean lines from As You Like it Act II Sc.7 are quoted

"All the worlds a stage."

Further Lord Denning has told as a curious story of the elopement of Sir Sydenham's granddaughter (a Norman Knight) with one of Lord Denning's ancestor (a Dane) somewhat 300 year ago. The leading poet sir Walter Scott had composed a poem 'Lochinvar' (alias Denning) on the theme. It became much popular in the young generation of the times. The Croon had also
offered the Grand Poet-Laureateship to Sir Walter Scott which he politely refused. He ends the background of the family stay is a Shakespearean couplet (Sonnets)

"If this be error and upon me proved,  
I never writ, nor no man ever loved”.

Second chapter of The Family Story depicts the atmosphere of Whitechurch (Where famous poet & historian Charles Kingsley had lived). He quotes the paragraph from the aforesaid historian as it is.

"Opposite me again across a street rather wider than the room, is a chemist’s shop, which is also a post office”.

The old home has further been described with the help of a famous poem 'I Remember' by the poet Thomas Hood.

"I remember I remember  
The House where I was born  
The Little Window where the Sun  
Came peeping at the morn."

When Lord Denning visited the churchyard where his father and mother were buried, he remembered the immortal lines of Thomas Gray-

"Beneath those rugged elms, that yew tree shade,  
Where heaves the turf in many a mouldering heap,  
Each in his narrow cell forever laid,  
The rude forefathers of the hamlet sleep."

Lord Denning always remembers the Test, the river of Whitechurch. He compares it to 'The Brook' of Lord Tennyson and quotes the lines of the Poet Laureate-

"And draw them all along and slow  
To join the brimming river  
For men may come and men may go.  
But I go on forever"

He has compared his own childhood days at Oxenford thus (Pg. 34. The Family Story)

'I was poor and needy as that  
Scholar described by Chaucer  
A Clerk ther was of Oxenford also  
that un to logik hadde longe y go'
Lord Denning worked as Second Lieutenant for the Royal Engineers at the First World War. The British Soldiers were singing from the Charge of the Light Brigade by Alfred Lord Tennyson:

"There is not make reply
There is not the reason why
There is but to do and die"

The patriotic song 'The Solider' composed by Sir Rupert Brooke has also been quoted on P.50:

"If I should die, think only this of me
That there is some corner of a Foreign field
That is forever England.

A body of England breathing
English air,
Under an English heaven"

In the chapter 'The Second World War' On Pg. 124 he quotes from Shakespeare King John Act V Sc.7-

"This England never did nor never shall
Lie at the proud foot of a conqueror"

The qualities of Joan, his second wife have been described by quoting from - She was phatom of delight composed by the great Poet Laureate William Wordsworth who is also called the 'Priest of Nature' throughout the world. Here the researcher has only chosen the literary gems quoted at appropriate places by Lord Denning in his autobiography. 'The Family Story'. All the books of the author, the whole Christmas series – consisting of five land mark legal literary classics and 'The Leaves from my Library' are full of literary quotations. The books show how he had wandered in the 'Realms of Gold'. Even within the Family Story only 10% of the literary quotations are selected here. The rest of The Family Story contains innumerable quotations from Shakespeare and Tennyson. There are a few quotations from Wordsworth, Keats, Byron, Shelly, Hardy, Fitzgerald etc. They all had certainly a place in Lord Denning, Library. However they are not at all referred in any Chapter of the Family Story.
2.17 LORD DENNING IN OTHER ROLES:

2.17.1 Lord Denning as a Mathematician:
Lord Denning had a great interest in all branches of Mathematics. They include, Arithmetic, Algebra, Geometry, Calculus, Topology, Trigonometry etc. for a short time he has also remained a Mathematics Teacher. He tried to simplify the Mathematical Formulae for the young students. He also had written certain articles upon the life and works of eminent mathematicians.

2.17.2 Lord Denning as a Second Lieutenant:
Lord Denning was a great nationalist. Even he was a chauvinist up to certain extent. Lord Kitchner’s Appeal appeared when the First World War had actually begun. All the Denning brothers responded to it. Lord Denning enlisted himself as a Second Lieutenant for the Royal Engineers. It was a part and parcel of the Royal Hampshire Regiment. He boldly faced injuries from the German Attacks. (P-23,24&41) They built a bridge on the River Ancre. It is still found there.

2.17.3 Lord Denning as a Barrister:
Lord Denning was called to the Bar on 13/06/1923. He started to work under the eminent lawyer O’Hagan. He started from the petty cases and in a short time became a leading practitioner. He had smooth relations with legal fraternity. He was always ready to guide the juniors. He always helped the rural folk in their stay at London. He never took cases on champerty and charged his legal fees only. He was very sympathetic towards the poor and the deserted wives. All these qualities helped him to become one of the greatest judge of Her Majesty’s Realm. (P-10)

2.17.4 LORD DENNING AS A JUDGE
Lord Denning had cordial relation with all the leading Advocates, solicitors, Barristers, Pleaders, Attorneys, appearing both for private parties and for the Queen-Empress i.e. Her Majesty’s Royal Administration in all the Commonwealth Reigns. He purposefully encouraged the juniors / young counselors to speak. He had a tremendous capacity to listen in detail and thus, even as one of the Apex Judges of the Realm, he never disturbed any advocate in his / her arguments. When some irrelevant argument was going on, he show a lack of interest and the experienced legal expert knew what he meant. (P-43)
He was famous for his overwork. Even when working as members of a Constitutional Bench, consisting of Three/Five members- he used to drink tea/coffee only for one time, he used to listen to arguments for a continuous span for 10:00 a.m. to 6.00 p.m. He was the senior most and expected the other justices to do the same. Viscount Segmuirs was compelled to warn him about the working hours which were fixed by Her Majesty’s Administration and it was the duty not to cross them. Intermissions were necessary, albeit he himself needed the refreshment items or not. His another colleague The Rt. Hon. Mr. Justice Henn Collins wrote him a poem – [28]

“My brother pray be warned by me
And always rise in time for tea.
And when you feel you must sit late
Remember my untoward fate.
Don’t go on sitting until seven.
But sit next morning at eleven.”

Lord Denning had a great respect for the press. He described them as “The Watchdogs” over all the three Branches of the Government”. They are the Executive, Legislation and Judiciary. Lord Denning was always in favour of Open Court Justice instead of listening to ‘The Chamber arguments’. It is miraculous to note that there are more than 2000 reported landmark judgments of Lord Denning. In ‘The Family Story’, there is a beautiful quotation. It witnesses the impartial views of His Lordship. On page 251, he says –

“The judges of England are vigilant in guarding our freedoms. Someone must be trusted. Let it be the judges.’

Thus his marks and other innumerable benchmarks are nothing but the Obiter Dicta of his long life experiences. Here is a small anthology for our consideration.

**Bench marks [29]**

1. Established the "deserted wife's equity", giving her the right to remain in the matrimonial home.
2. Ruled that an unmarried partner who contributes to buying or improving the home may claim a share under trust law.
3. Invented the Mareva injunction, which freezes assets such as a bank account to pending litigation.
4. Allowed Sir Freddie Laker to compete against British Airways, a ruling that paved the way for cheap transatlantic flights.

5. Decided that if a man was fit when he joined the armed forces and unfit when he left it was up to the Government to disprove the disability was due to his service, not to the man to prove it.

6. Held for the first time that a local council should be liable for the negligence of a council surveyor "in passing work as good when in truth it is bad".

7. Held that where someone loses out through relying on a negligent misstatement, the person who made it should be liable.

2.18 CRITICS OF LORD DENNING’S REFORMS

In the times of Lord Denning it was popularly said that what Lord Denning pounced that day would became a law the next day. Lord Denning had capacity to foresee the development of society. He provided many obiter dicta to improve the status of women and children. In Bendall v. Mc Whiltor Lord Denning recognized the rights of deserted wife “Lord Denning was the only Legal expert in England who was a Bencher of all the four Inns of courts. He received Doctorate in law from a number of Universities including Oxford and Cambridge. He was the president of Commonwealth Legal Education Association. He was also Vice President of Queen’s University Law society. In a number of cases he, by his judicial activism provided the deserted wives a permanent alimony from their husband. (upto their Remarriage/Death – whichever earlier). His efforts of reforms the family law were defeated by the House of Leads in the ‘National Provisional Bank v Ainswath.

In 1966, Baroness Summerskill, on account of huge public cry introduced a bill to amend the family law. The outcome was the Matrimonial Homes Act 1967. Lord Chancellor Simonds severally criticized Lord Denning” reform in the following words – [30]

“A naked usurpation of the Legislative functions under the thin disguise of the interpretation”.

Lord Denning must have left the House of Lords on account of the variances with Lord Simonds. As earlier stated Lord Chancellor Simonds had criticized Lord Denning for the naked Usurpation of the legislative function under the guise of interpretation. In the same way Ms. Suchitra Vijayan from the University of Leeds U. K. has criticized his modus operandi – [31]
“The most inexplicable of all the accusations, made against Lord Denning, was that he did not practice what he preached. His critics claimed that although Lord Denning held that his sympathies lay with the underdogs, yet, in practice, he tended to support the “superdogs” against the underdogs! They allege that he sided with the employers, against the unions and with the Home office, against the immigrants! (www.voicedelaw.com)"

The above criticism is not much appropriate. There are number of judgments of Lord Denning which clearly show his sympathetic attitude towards the oppressed people seeking justice. Sir Stephen Sedley described Lord Denning as ‘one - perhaps the last - of a sparse succession of major judicial figures who have succeeded in shaping areas of the law into conformity with a strongly-held world view’. Sedley continued: ‘Lord Denning’s most abiding and probably least deserved reputation was as a liberal. He adhered throughout his life to a conservative set of personal and public values’.

2.19 Lord Denning in his family:

Lord Denning had a great self confidence for being a ‘Brition’. It is an assimilation of ‘Saxons, Norman, Angles, Danes and Vikings’ He was a strong nationalist. His autobiography, ‘The Family Story’, is in fact the story of his family woven in the threads of his nation. It seems that he writes for England for Britain, for the United Kingdom and for the Commonwealth Realms. It reveals Lord Dennings love and affection for his brothers, Jack, Reg, Gordon and Ned. He had a great respect for his parents and elder sister Marjorie.

Lord Denning was an ideal husband. He could never forget his first love and first wife Mary, though the circumstances compelled him to marry Joan. (Afterwards Lady Denning) The Photo of the entire Denning family taken in 1970 shows his affection towards all the elder and the young members of the family. (P-50&57) He was an affectionate father- in- law for Elizabeth Chilton, the wife of his son Roberts (P-29). He was a loving grandfather for the younger members of the family. Lord Denning’s son Robert (b.1938) later became a teaching staff member of the Magdalen College (affiliated to Oxford University). The same College was the also an alma mater of Lord Denning. The marriage with Joan Stuart proved to be highly successful. She helped him in all walks of life. (P-26, 65, 69&70) She was a loving mother. She
accompanied Lord Denning in many foreign tours. (P-32) They remained together for 48 years. Lady Denning died in 1992. Lord Denning could preserve his health due to her efforts only. John Mortimer, a lawyer and creator of “Rumpole of the Bailey” has praised Lord Denning in the following words. [32]

“He remains part of a dying breed”, the great English eccentric with a heart almost entirely of gold”.

According to Mortimer the secret of Lord Denning long and healthy life is hidden in his discipline regular diet. He points out the personal habits of Lord Denning in many details. He never smoked or drank alcohol. He liked to enjoy fish and chips. He preferred coffee to tea. [33].

2.20 Lord Denning’s Social Life:

Though Lord Denning was a judge he had maintained good social relation. Normally we find a typical aloofness in the character of judges. For him his duties were pious and he had never allowed his own beliefs to hamper the course of justice. He was a fearless Law Lord. He never smoked or drank alcohol although he did enjoy fish and chips. He put his longevity down to a healthy lifestyle (Mortimer). His house ‘The Lawn’ was a religious, social and cultural activities. (P-22, 47, 61). The following are some of the well known quotations from Lord Denning collected in order to show his social commitment. [34]

On family values: "There is a prevailing philosophy of `anything goes' and the strength of family life is being eroded."

On honesty: "A lot of people have not got the same standards of conduct - uprightness or honesty - as they had in the past."

On religion: "Without religion, no morality; without morality, no law."

On divorce: "The divorce court should not penalise anyone and a wife should be entitled to an equal share of her husband's wealth."

On the armed forces: "A disabled former serviceman should not have to prove he was injured in the services to win the right to a pension."

On choosing a career in law: "Because I was ambitious and saw it as the best way to advancement."
On his role in the 1960s Profumo inquiry: "I have had to be detective, inquisitor, advocate and judge and it has been difficult to combine them."

On police: “The idea of officers lying about their treatment of the Birmingham Six was an "appalling vista".

On the Birmingham Six: "We shouldn't have all these campaigns to get the Birmingham Six released if they'd been hanged. They'd have been forgotten and the whole community would have been satisfied."

On industrial action at the time of the miners' strike: "A malaise - a disease - affecting our country today".

On remaining on the bench into his eighties: "I have all the Christian virtues - except resignation."

On compulsory retirement of judges: "You can do good work after 75. I think I gave some of my judgments of greatest value after 75."

On long life: "By eating plain English food. I don't want any of that French stuff."

On co-habiting: "Couples who live together should be treated in the same way as those who are married."

2.21 His Love for Cricket:

Lord Denning was a great lover of cricket. He was truly a fan of cricket. He himself had played the game at Whitechurch, when he was school boy. He had great respect for Sir Donald Bradman (A master cricketer from the Commonwealth of Australia). He used to coach their King Emperor George VI in his yearning for cricket. Lord Denning had habit to inquire about the cricket scores after the judicial working hours. He used to read the same sport stories in detail at the Morning newspapers. Once a cricket match was played between England and Australia, at a remote place in Arabia, the Australians won. Lord Denning clapped for them as they all were the loyal subjects of Her Majesty. According to him all the matches of all the games must be played in sheer human spirit. He had established a Cricket Association in Whitechurch. Here is a short list of his social activities.
2.22 Membership of various Socio-Legal Organizations [35]


<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>Role</th>
<th>Organization/University</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Patron</td>
<td>Commonwealth Legal, Education Association</td>
</tr>
<tr>
<td>2</td>
<td>Vice President</td>
<td>Queens University, Law Society, Belfast</td>
</tr>
<tr>
<td>3</td>
<td>Patron</td>
<td>Legal Research Foundation, University of Auckland</td>
</tr>
<tr>
<td>4</td>
<td>Patron</td>
<td>United Law Clerks Society</td>
</tr>
<tr>
<td>5</td>
<td>Vice President</td>
<td>Society of Genealogists</td>
</tr>
<tr>
<td>6</td>
<td>President</td>
<td>Council for promotion of rural England</td>
</tr>
<tr>
<td>7</td>
<td>Patron</td>
<td>The Woodland Trusts</td>
</tr>
<tr>
<td>8</td>
<td>Patron</td>
<td>The Theatre Royal Windsor</td>
</tr>
<tr>
<td>9</td>
<td>President</td>
<td>GlasgLaw University Dialectics Society</td>
</tr>
<tr>
<td>10</td>
<td>President</td>
<td>Whitechurch Cricket Club</td>
</tr>
<tr>
<td>11</td>
<td>President</td>
<td>National Law Library Trust</td>
</tr>
<tr>
<td>12</td>
<td>President</td>
<td>City of London Polytechnic</td>
</tr>
<tr>
<td>13</td>
<td>Patron</td>
<td>Victorian Society (Hampshire Group)</td>
</tr>
<tr>
<td>14</td>
<td>Bencher</td>
<td>Lincolns Inn (1944)</td>
</tr>
<tr>
<td>15</td>
<td>Hon Bencher</td>
<td>Middle Temple (1972)</td>
</tr>
<tr>
<td>16</td>
<td>Hon Bencher</td>
<td>Gray Inn (1979)</td>
</tr>
<tr>
<td>17</td>
<td>Hon Bencher</td>
<td>Inner Temple (1982)</td>
</tr>
<tr>
<td>18</td>
<td>Dy. Lieutenant</td>
<td>Hampshire (1978)</td>
</tr>
<tr>
<td>19</td>
<td>Chairman</td>
<td>Royal Commission on Historical Manuscripts</td>
</tr>
<tr>
<td>20</td>
<td>Chancellor</td>
<td>Diocese of London 1944</td>
</tr>
</tbody>
</table>

Lord Denning was the only Legal Luminary who remained the Member of all the four Inns of Court.

2.23 UNIVERSAL RECOGNITION:

Lord Denning's contribution to the philosophy of law was recognized by a number of educational institutions including his alma mater. Here is a list of the universities which conferred the Honorary Doctorates upon Lord Denning. [36]

<table>
<thead>
<tr>
<th>Sr. No.</th>
<th>UNIVERSITY</th>
<th>YEAR OF CONFERRING DOCTORATE ON LORD DENNING</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Oxford</td>
<td>1965</td>
</tr>
<tr>
<td>2</td>
<td>Cambridge</td>
<td>1963</td>
</tr>
<tr>
<td>3</td>
<td>Ottawa</td>
<td>1955</td>
</tr>
</tbody>
</table>
2.24 THE AGE OF LORD DENNING:

राजा कारस्य कारणम् (Sanskrit: ‘Raja Kalasya Karanam’) Ancient civilizations depict a universal phenomenon, i.e. any age is recognized by the Ruler of the concerned age. [37] Actually it was the Victorian Age in which Lord Denning was born. Those were the Edwardian and the Georgin Ages when his legal profession flourished. It was the Second Elizabethan Age in which he declared his superannuation. However, only for the academic purpose, the researcher has considered the span of 1899 to 1999 as broadly the Age of Lord Denning. In any thesis based on 'Life and Works' of great personalities it is necessary to have a bird eyes view upon the contemporary age in which the concerned personalities lived. Here we are concerned with Lord Denning, the longest serving British Judge of the Apex Judiciary and who has become a 'Living Legend'. When he was born the British Empire was under the rule of the Queen Empress Victoria. She was the last de facto as well as de jure Ruler of the half of the globe. She succeeded her uncle King William-IV. She was the only daughter of Prince Edward, Duke of Kent, the forth son of King Emperor George-III. She ruled the vast empire for sixty four years with an iron
hand. She had married to Prince Albert of Saxe-Coburg-Gotha in 1839 and they had a happy married life. The Prince Consort died in 1881 and now the Queen Empress was assisted by her eldest son Prince Edward (afterwards King Emperor Edward-VII). She favoured the imperial policies and expanded her vast empire. It then included 75% of the Indian Territory. Most of the remaining Indian Territory was under the native princes who regarded the British Monarch as their Over-Lord. Certain parts of India were under the Portuguese and the French occupation. The Indians tried to revolt against the British Rule in 1857. However, their efforts could not get any success at that time. Lord Canning read a Royal Proclamation issued by Queen Victoria for her Indian subjects.[38] In 1885, the Indian National Congress was organized and it paved the way for future peaceful agitation against the British rule over this territory. The efforts of Mahatma Gandhi, Pandit Nehru, Moulana Azad and other freedom fighters made India an independent nation in 1947. Queen Victoria was succeeded by her eldest son Prince Edward in 1901.

2.24.1 King Edward VII: Queen Victoria was succeeded by her eldest son, Prince Edward who was nearing 60 when he ascended the throne in 1901. As a Prince, he had been educated under the strict supervision of his parents but he could not be a versatile scholar. He was a great traveler and made an excellent use of his wide travelling as a King. He was a popular sovereign. He was fond of ceremony and was very kind and gentle in his behavior to his ministers. In his first speech to the Privy Council he promised to be a constitutional sovereign having no other aim in life but the good of his subjects. He maintained his position of detachment even when passions ran high over the constitutional struggle between the House of Commons and the House of Lords.

His most conspicuous role was in the foreign affairs of his country. It is said that he exercised a considerable influence over the foreign policy of his country, particularly because of his relationship with most of the European Sovereigns and his genial temper. For instance, there can be no denying the fact that the ground for the Anglo French Entente was prepared by his informal visit to Paris in 1903. He was hospitable and friendly to people of every rank. Popular with the princes and the people alike, his death was genuinely mourned by all. For relations with the European Kingdoms, he was called the Uncle of Europe and for his peace-loving nature he
was known as Edward the Peace Maker. The Prince became a popular sovereign. He was a great traveler. He was a very kind gentleman. In his first speech to the Privy Council, he promised to be a constitutional sovereign having no other aim in life but the good of his subjects. He maintained his position of detachment even when passions ran high over the constitutional struggle between the House of Commons & the House of Lords. The Lords lost their powers over the money bill in 1911. They also lost most of their powers in 1999 when the House of Lords Act was passed in the last year of Lord Denning life. [39]

Throughout the last three decades of the 19th century and the same of the 20th one, the Ireland became a major trouble for the Royal Administration. In the Victorian age most of the landed property in Ireland was in the hands of English Protestants while the Irish peasantry was mostly Catholic. The economic, the social and the political differences played the dominant role in making Ireland an independent republic. Freedom fighters like Parnell and De Valera demanded Home Rule. After the First World War in 1922, the British Prime Minister Lloyd Gorge advised the Crown to promulgate Irish Free State for Southern Ireland while the Northern Territory (Belfast Region) remained under the Crown. This movement inspired the Indians and the Africans to raise the strong voice against the British Crown in their respective territories. The Chartist Movement compelled the British Parliament to bring the male female equality in elections. The British Rule over a number of African Territories was challenged in the Edwardian age. Mahatma Gandhi demanded equality for all the citizens at Natal. Lord Denning witnessed the complete independence of all the African Territories which were under the British Crown.

2.24.2 King-Emperor Grorge V - Edward VII was succeeded by his only surviving son, Prince George. The new king was 45 when he came to the throne. He had been carefully educated by his mother and he grew up to be a dutiful son and a thorough gentleman. He was the British Sovereign to visit India. He came here in 1911 when a great Imperial Durbar was held at Delhi. The Occasion was also marked by the announcement of a few administrative changes like the cancelling of the partition of Bengal and the shifting of the Capital from Calcutta to Delhi. George V had succeeded to a difficult heritage. There was acute unrest in Ireland and India. At home there was bitter controversy over the privileges of the House of Lords. In Europe war clods
were thickening and actually burst out 1914. But the king never allowed himself to be deflected from the position of a Constitutional monarch. He played his part whether in peace or in turbulent situations. He became very popular with all sections of subjects.

He was a dutiful son, a devoted husband and a simple but an honorable man. He maintained the dignity of sovereignty and at the same time, added a touch of homeliness to his office. He died early in 1936 and his death was deeply mourned all over the Empire. He had to face acute unrest in India and Ireland. In Europe war clouds were thickening and actually burst out in 1914. He died in 1936 and was succeeded by his elder son King-Emperor Edward-VIII. His love affair with one Mrs Simpson, an American divorcee and a commoner, created havoc in the British conservative society. He abdicated in favour of his brother, afterwards King Emperor George-VI. He was succeeded by his only daughter and the present reigning Monarch, The Queen’s Most Excellent Majesty Elizabeth-II. Thus, Lord Denning had witnessed five generations of the Royal House of Windsor. The above mentioned over all socio-political situation is basically responsible for shaping the destinies of the contemporary English people including Lord Denning. In those times, the English People had a great self confidence. The generation usually sang the national song. [40]

"Rule Britannia rule the waves
Britons never will be slaves”

And they also sang-[41]

The more we work, the more we may,  
It makes no difference to our pay,  
We are the Royal Slappers.

British War Song, M Hidaytullah,  
My Own Boswell Ch.21, Pg.170.

As stated earlier, the Dennings were staunch nationalists. Their personalities must be judged by considering the contemporary age which in fact contains two landmarks in world history occurred with a small gap of 20 years. When England was under the rule of Queen Victoria, an important development of All German Unification was going to become a reality on the Continent. Prince Otto Von Bismarck, an able German Politician used all his skill and a mighty
Germany emerged with thirty six states. In the times of Kaiser William II, Prince Bismarck was forced to resign. Now Germany wanted overseas possessions like the UK, France, Russia, Holland and Portugal. It was not possible because the whole globe was practically under the aforesaid powers. War with UK or France had become a practical necessity for the German aspirations. The First World War (1914-1918) was an outcome of the overseas rivalry, though the outward reason was given in relation to the assassination of Ferdinand (the Grand Duke of Austria-Hungary) at Sarajevo, Serbia. Lord Denning was a young man when The World War I began. He decided to join the Royal Army and to serve his nation. The war resulted in German Defeat, but it also weakened the British Imperialism.

Both the wars were highly destructive as the modern weapons were used including the atom bombs & missiles.

2.24.3 First World War

The First World War was an event of great importance in the history of mankind. For the first time the while, the Black, the Yellow and the Brown races jumped into this unprecedented struggle to kill one another on a scale unheard so far. The war soon spread, to the East and West, to the North and South, to the sea and under the sea, to the air and to the realm of propaganda. (P-23&24)

While analyzing the cause of this war, we should bear the following points in mind –

1. Rise of Germany :- During the later part of the 19th century, the King of Prussia, with the aid of his famous minister, Prince Bismarck, united several states of Germany into one Empire. Prussia made its power predominant in Germany by defeating Denmark, Austria and France in three successive wars and by seizing portions of these states. Germany now began to build a powerful navy and equip a magnificent army with a view to gain the chief place among the nations of the world. These ambitions of Germany were a source of constant irritation to other powers of Europe.

2. Ambitions of Kaiser William II – Kaiser William II became the ruler of Germany in 1888. He was a man of insatiable ambitions. He wanted to make Germany a world power. His aims were
the expansion of German navy and German Colonies. These ambitions of Kaiser caused a great alarm to the powers of Europe who united together to save themselves from the impending ruin at the hands of this ambitious ruler of Germany.

3. Mutual Jealousy among the Europeans – At this countries of Europe were torn with mutual jealousies. France was keen to recover the lost provinces of Alaska and Lorraine from Germany. Austria was anxious to annex the Balkan territories to her own Empire. She had the support of the Grand German Empire at her back. Similarly England was getting alarmed at the growing power of German navy. Russia was jealous of the extension of Austrian influence over Bosnia and Herzegovina. All these jealousies and differences predicted a terrible international conflagration.

4. Two Rival groups in Europe:- These mutual differences and the policy of Bismarck of isolating France led the Europeans to divide themselves into two armed groups. Bismarck had concluded Triple Alliance in 1881 according to which Austria, Italy and Germany were bound together in a bond of mutual help and cooperation. Owing to personal efforts to King Edward VII of England ‘Dual Entente’ was concluded between England and France in 1904. France and Russia were already on friendly terms; so England, France and Russia concluded among themselves the Triple Entente in 1907 as a counter reply to the Triple Alliance of Bismarck. These two groups began to develop mutual jealousy to such an extent that they took up arms against each other in 1914.

5. Immediate Cause- The immediate cause of the war was the Bosnian murder. On June 23, 1914 the Archduke Franz Ferdinand and the heir apparent of Austria, was murdered at Sarajevo the capital of Bosnia by some Serbian terrorists. The Austria Government accused Serbia of having instigated the murder and the declining to listen to the peaceful and conciliatory replies of Serbia, she attacked her on July 28, 1914. Germany supported her ally Austria and Russia came to the help of Serbia. France, on account of her treaty with Russia, had to join the war on the side of Russia. Thus began the terrible war 1914.
Illustration – 15
Solders in First World War - 1914-1918

6. Entry of England into the War – England had not yet decided whether she should join the war or not. But when Germany marched her troops through Belgium to attack France, Britain felt that she could have no choice but to be in league with France. Belgium, like Switzerland, had been recognized as a neutral country by all the European Powers since 1838 and it was contrary to the precepts of international law for Germany to violate that solemn undertaking.

Moreover England could not tolerate the occupation of Belgium by Germany. As a matter of fact Belgium’s neutrality and always been the keynote of British foreign policy ever since the days of Cromwell. Therefore, the British Government protested against Germany’s attack on Belgium; but the German Chancellor declared that Britain’s treaty with Belgium was only a scrap of paper and the German armies crossed the Belgian frontiers. Thus Great Britain was compelled to declare war against Germany on August 4, 1914.

Then the Chancellor Bethman Hollweg, while justifying the Declaration of War by Germany, declared: [42]

“We are entering War with a clear conscience and the opportunity for reaping the advantages of our hard labour for decades together has at last come to our hands”.
On the other hand, Lord Asquith the then Prime Minister of England addressed the British Parliament on the eve of declaring War against Germany by remarking-[43]

“We are fighting for two causes – (1) to preserve the solemn international obligations and (2) to see that no small or weak nation is preyed upon by the arbitrary will of a strong nation”.

Thus the great European War out broke among Germany and Austria of the Triple Alliance, on one side; and Britain, France and Russia of the Triple Entente on the other. At first Italy, the members of the Triple alliance remained neutral but then joined the Allies in 1915. The War was fought for about 5 years and was brought to a close by the Treaty of Versailles in 1919.

7. Lord Denning role in the First World War is elaborated in 2.3 & 2.17.2.

2.24.4 The Rise of the Labour Party:
The first representatives belonging to the working – classes, two miners, were returned to Parliament as early as 1874, but a real Labor Party, uniting the Trade Unionists with the Socialist Societies, dates only from 1900. The greatest stimulus to its development was given by a judicial decision in 1900 in a case known as the Taff Vale Case. The decision clarified that damages could be recovered against a Union for illegal acts committed by members during the conduct of an industrial dispute.

Hardy and Ramsay Macdonald deserve special mention in the rise and growth of Labour Party in England. Hardy founded the first Independent Labour Party in 1892 and held its first annual meeting in 1893 at Bredford. The rise of Labour Party is an event of great significance in the Domestic History of England before the First World War. So far there were only two political parties. Along with the Liberals and the Conservatives, but now the third party i.e. Labour Party also began to assume importance.

In 1906 forty Labour members were returned to Parliament and the Trade Disputes Act of that year altered the law so as to reverse the Taff Vale decision and protect the funds of Trade Unions. Acts of 1909 provided for the establishment of Trade Boards to fix minimum rates of pay for workers in unorganized industries and for the creation of Labour Exchanges to facilities the finding of employment by persons out of work.
Still the growth of Labour Party could not be sped up till the First World War. Afterwards Ramsay Macdonald took the lead of Labour Party. He started a newspaper called the ‘Daily Citizen’ for the party. The labour members gave full cooperation to the government during the period of war. At an annual meeting of the Labour Party held in 1918, a planned programme as chalked out both for the home as well as foreign affairs. In the general elections of 1918, 63 labour members were returned to the Parliament.

The period of 1919 to 1939 of British history was a period of economic unrest and political instability. Unemployment, poverty and high cost of living spread general discontent among the workers. The labour leaders propagated the Socialistic principles in order to get rid of the economic troubles. This led to the speedier growth of Trade Unions in England and the influence of the labour party also went on increasing day by day. The number of labour representatives also increased day by day. The ministries of 1924, 1929 and of 1945 were labour ministries in England. Ramsay Macdonald, the labour leader, was the head of the national government of England from 1932 to 1935.

In this way the development of trade unionism helped a lot in the growth of labour party which is one of the most significant political elements of the present day England. As earlier stated the world witnessed a wonderful peace of twenty years but it was nothing but an illusion. Soon after the Treaty of Versailles in 1919, the German Emperor Kaiser Wilhelm-II abdicated the throne and went to Holland. The House of Savoy was fast losing its prestige in Italy. It paved the way for more autocratic powers in the hands of Fascist party in Italy under the leadership of Mussolini and the similar powers seized by the Nazi Party in Germany under the leadership of Hitler. Many monarchies were deposed in Europe e.g., Braganza Dynasty of Portugal, Romenov Dynasty of Russia, Hohenzollern Dynasty of Prussia etc.[44] Second World War, an outcome of Hitler and Mussolini’s Policies devastated the entire globe.

2.24.5 Main causes of Second World War

Introduction: Broadly speaking the Second World War which began in 1939 and soon spread almost the whole world, was only a part of the first, with a breathing time of twenty years in between. The combatants arrayed on the opposite sides, were almost the same in 1939 as they
were in 1914. Even the basic causes were the same. There were the same old jealousies and fears lurking behind.

Illustration – 16 HITLER AND MUSSOLINI

While analyzing the causes of this ruinous war we shall keep the following points before us:

1. The Grievances of Germany and the Harsh Treaty of 1919: Germany could not forget the harsh term of the peace settlement of 1919. She had been humiliated by France and England and had been deprived of her vast and rich territories. Moreover, she was heavily burdened with almost impossible separation payments. Naturally Germany had to wait for an opportunity to tear the Treaty of Versailles to pieces. She got this chance in 1934 and thereafter, with Hitler set up the so called Nazi dictatorship in Berlin. The aggressive measures of Hitler ultimately led to the terrible conflagration of 1939.

2. The fears of France: France could also not she off her fears of Germany, even though the latter had been considerably weakened. She went on arming herself, builds the Maginot Line to
check the future German invasion and did her best to encircle Germany with her allies like Poland and Czechoslovakia.

3. **Attitude of England:** England was also inclined to be friendly towards France. She was not prepared to return the Colonies back to Germany or to reduce her naval strength. Hence her attitude caused Germany a grave suspicion and she went on arming herself against the possible Anglo French alliance.

4. **The failure of League:** Even the League of Nations designed by the peace makers of 1919 to serve as an instrument of peace and amity among nations, seemed to have degenerated into an international debating society. It failed to protect the weaker nations against the naked aggression of Japan, Italy and Germany. This weakness of the League was an important factor in bringing about the world war.

5. **Rise of Dictatorship in the world:** As the democracies failed to check the growing menace of unemployment, social distress and economic unrest all over the continent in the postwar era, it encouraged the growth of dictatorships in many countries. Such dictatorships were set up in Italy, Russia and Germany. Japan in the East was also growing as a threat to the world peace. She annexed Manchuria, Italy invaded Abyssinia and Hitler annexed Austria, Sudetenland and Czechoslovakia. His invasion of Poland was the immediate cause of the War in September 1939.

6. **The Berlin Rome Axis:** While the arena was being prepared for the final struggle, Germany was busy in securing alliance of powers like that of Italy and Japan. Italy and Germany were drawn closer to each other, for they had ideological affinity. Both had become Totalitarian States, where state worship had become the accepted creed. Both were spontaneously imperialistic and keen to assist in or at least connive at each other’s ventures against the older imperial powers of France and Britain. The Berlin – Rome axis was thus a reaction as well a challenge to the Anglo- French alliance. In 1937, the axis was extended to Tokyo when Japan joined the bloc.
7. **Appeasing the Aggressor – Hitler:** Nazi Germany proceeded to tear the Treaty of Versailles the main spring of her humiliation, bit by bit. She refused to pay any reparations, and began to build up huge armament factories. In 1935 she introduced conscription and sought the alliance of Fascist Italy, very successfully. Then she annexed Austria, Czechoslovakia and Sudetenland and was awaiting an opportunity to swallow England. This seemed to be going too far and both France and Britain tried to appease Hitler, the fuehrer of Germany, by arranging the Munich pact, but their policy of appeasement proved ineffective. Hitler went on increasing his armed strength and territories at the cost of the neighboring powers.

8. **Immediate cause of the War:** Hardly six months had passed after the Munich pact when Hitler attacked Czechoslovakia and then directed his armies to occupy the Polish Corridor and Danzig. He then invaded Poland in September 1939; and proved a clarion call for England and France to jump into the arena of war. England had to declare War against Germany on September 3, 1939 and thus began the terrible War of 1939-45. (P-34, 36).

9. Lord Denning actually wanted to serve his nation in the Second World War also. In 1939 when the war broke out & England declared her rivalry against Germany he was running in his forties. His age did not permit him to serve his nation as a soldier at the times of the Second World War (1939-1944). He served as a Legal Adviser of a War Zone Territory. The discipline which he received from the Royal Army remained as an integral part and of his life. He encouraged the young people in the same way as Lord Kitchner did in the last War.

2.24.6 **POST –WAR PROBLEMS IN ENGLAND:**

Stanley Baldwin was a Conservative. During 1923-24 he introduced tariff reform to solve the problem of unemployment in the country. But he had to resign on the same issue. After the fall of the labor ministry, the conservatives under Baldwin came into power again. This time his ministry remained in office during 1924-1929. This ministry also fell as it could not solve effectively the question of unemployment. The Third Baldwin Ministry remained in the office during 1935-37.
Lord Denning elder brother major general R.F.S. Denning (Reg) worked under Lord Mountbatten, the last Vice Roy of British India. His younger brother Admiral Denning (Norman) worked under Lord Elworthy for the protection of their Realms. The war ended with the complete defeat of the Axis power. Hitler committed suicide. Mussolini was hanged at Milan. The Americans dropped huge atom bombs upon Japan. It surrendered. World War ended in the victory of the Allies- U.K., USA, France and the USSR. The economy of the UK dwindled rapidly after 1945 and it practically became a third rate power. The situation may have paved the way for the independence of a number of countries. The World War ended but it paved the way for Cold-War between the capitalist USA and the socialist USSR.

According to historians the two World Wars devastated a huge wealth of nations. Approximately 5 crores of peoples lost their lives and the equal number of peoples received either major or minor injuries. The instable economy created huge unemployment and it increased the rate of crimes all over the world. The post world war literature of the eminent writers Earnest Hemingway, Agatha Christie, James Hadley Chase, T.S. Eliot, W.H., Auden etc. clearly depicts the socio-economic conditions prevailing in the post World War times. They all have gives as a message of peace by stressing the futility of wars as well as crimes.

Even in England, the imperialistic policies of Sir Winston Churchill were opposed by the Labour Party under the leadership Mr. Atlee. They won the 1946 elections and declared The Indian Independence Act 1947. Statute of Westminster (1931) practically made Australia, New Zealand and Canada, self – governing territories within the Royal Realm. The British Crown also lost the African territory. The United Kingdom had to face a great problem of the Afro-Asian emigrants for which Lord Denning had strongly resented over the government policies. Even after 1985, all was not well in the United Kingdom. A conflict was going on between the Prince of Wales and Lady Diana. The Conservative Party, now under the leadership of Mrs. Margaret Thatcher voted to power. Increasing industrialization and computerization had brought the country on an information technology revolution. The nature of litigation was becoming more and more complex. Cyber crimes increased. Lord Denning was always impartial in Party Politics. A rivalry was going on between the two Houses of parliament.
Many English Jurists had suggested improvements in the judicial administration of the United Kingdom. Abolition of Privy Council Jurisdiction Act 1948, passed by the newly formed Indian Republic decreased the workload of the Privy Council. British North American Act was also been repealed. Australia, New Zealand and Canada have promulgated the new Constitutions in which the Queen / King of the United Kingdom has to ‘appoint’ his / her Governor- General / Vice Roy and practically no other role to play in active politics except ratifying the Royal Assent given by the appointee. No appeals to Privy Council without ‘Fitness Certificate’ from the respective Dominions. Thus, the Privy Council, the Judicial Committee of the House of Lords, the highest court of appeal for the whole British Empire has a little role to play in Modern Judiciary. England needs a separate Supreme Court. It is now established in 2009. What Lord Denning imagined in his lifetime has become a reality today.

2.24.7 The Contemporaries of Lord Denning (Ref. App. I Monarchs of the Commonwealth Realms.)

Lord Denning was a centurion. (1899-1999). He witnessed five generations of the British Royal Houses, the Hanover and the Saxe-Coburg-Gotha promulgated as the House of Windsor - HM the Queen-Empress Victoria, HM the King-Emperor Edward VII, HM the King-Emperor George V, HM the King-Emperor Edward VIII, HM the King-Emperor- George VI and the present Reigning Monarch the QMEM Elizabeth-II. Lord Denning completed his pupilage under the most able and experienced Barristers like O’ Hagan and Henry Collins. He achieved great success as a Barrister. Many of his colleagues from the Bar were later on elevated to the Bench.

a) Lord Chancellors of England in the Age of Lord Denning (App. III)

The Lord High Chancellor of the Queen’s Realms is a senior-most and one of the important of the High Officers of the Royal Government not only for England but also for all the Commonwealth Realms. The Lord Chancellor is appointed by the Crown on the advice of the Queen’ First Minister. Presently, the QMEM Elizabeth II has sanctioned the separate Queen’s Privy Councils at her Dominions in Canada and Australia; no appeals are coming to London. The Lord Chancellor presides over the appeals from the rest of the Commonwealth Realms. He is the Head of judiciary in England and Wales. He is also Secretary of State for Justice.
One of the Lord Chancellor's responsibilities is to protect the Great Royal Seal. Hence the Lord Chancellor has to do the, many of them are non judicial in nature. He has to assist the Crown in appointing the other Great Officers of the State in the various departments of legislature, executive and judiciary. He has also to recommend the names of the judges for the different judicial positions from the Crown Courts to the Privy Council.

Lord Denning was a man deeply interested in history and culture of his nation. Considering these aspects of his character, it has become necessary to consider his contemporaries right from 1899. However the researcher has attached more than twenty Appendices to the present thesis which (except App I ) mentions the contemporary legal luminaries from 1922-1923, the year in which Mr. Denning, Bar-at-Law (afterwards Lord Denning) started his professional career which ended in 1999 , the year in which Lord Denning left this world for Heavenly Abode. It becomes impossible for any lad to remember the concerned age of his childhood. Some of the high legal authorities were living upto Lord Denning's youth. He gathered their experiences and told them to the young generation through his books / interviews. One such great personality was of course Lord Atkin.

In Lord Denning's lifetime, he witnessed the eminent Lord Chancellor's Lord Halsbury (two times), the great author of the classic 'The Laws of England', 'Lord Herschell', Viscount Haldane, Lord Buckmaster, Lord Finaly, Lord Brickenhead, Viscount Cave, Lord Halisham, Lord Sankey, Lord Maugham, Viscount Caldecote, Viscount Simons. (He was Lord Chancellor between 1940-1945 when Lord Denning entered the Apex British Judiciary as a High Court Judge in 1944) Now, the Lord Chancellors coming hereafter are also his superiors in Judicial Bureaucracy. Lord Jowitt, Lord Simonds, Viscount Kilmuir, Viscount Dilhorne, Lord Gardiner, Lord Halisham were all contemporaries of Lord Denning.

b) Lord Chief Justices of England during the Age of Lord Denning (App. V)

The Lord Chief Justice of England and Wales is the head of the judiciary and President of the Courts of England and Wales. Historically, in the Age of Lord Denning, he was the second-highest judge of the Courts of England and Wales, after the Lord Chancellor, but due to the
promulgation of the Constitutional Reforms Act 2005, he became the top judge. The Lord Chief Justice's equivalent in Scotland is the Lord President of the Court of Session, who also holds the post of Lord Justice-General in the High Court of Justiciary.

Originally, each of the three high common law courts, the King's Bench, the Court of Common Pleas, and the Court of the Exchequer, had its own chief justice: the Lord Chief Justice, Chief Justice of the Court of Common Pleas, and the Baron of the Court of Exchequer. The three courts became divisions of the High Court in 1875 and a single Lord Chief Justice of England was appointed by the Crown.

**The House of Lords Act 1999:** It decreased the considerable number of the Hereditary Peers and replaced them by the Life Peers. This Act has strengthened the democratic spirit throughout the Commonwealth Realms. It has exactly fulfilled Lord Denning’s dream. **Constitutional Reform Act 2005:** Has introduced certain changes in the administration of justice by elevating Lord Chief Justice to be the Head of Judiciary in the Post Denning era. Lord Denning had to work with the following Lord Chief Justices who were his seniors Lord Reading, Lord Trevithin, Lord Hewart, Lord Goddard, Lord Parker. Lord Widgery was junior to him in age.

c) **Masters of the Rolls during the Age of Lord Denning (App. VI)**

The Keeper or Master of the Rolls and Records of the Chancery of England, known as the Master of the Rolls, is the second most senior judge in England and Wales. The Master of the Rolls is the presiding officer of the Civil Division of the Supreme Court of Appeal and serves as the Head of Civil Justice. The first record of a Master of the Rolls is from 1286 onwards.

The Master of the Rolls was initially a clerk responsible for keeping the "Rolls", or records, of the Court of Chancery, and was known as the Keeper of the Rolls of Chancery. The Lord Keeper is the most senior officer of Chancery Division and as such acts as the Lord Keeper of the Great Seal of the Realm. The post evolved into a judicial one as the Court of Chancery did; the first reference to judicial duties dates from 1520. The Master still retained his clerical functions by serving as the nominal head of the Public Record. However, the Public Records Act of that year transferred responsibility to the Public Record Office. The Master of the Rolls was also formerly
responsible for enrolling the Articled Clerks of Attorney, the Pettifoggers, the Solicitors, the Advocates, the Pleaders, the Queen’s Counsels and the Barristers. Nowadays these functions of this office are taken over by the Bar Councils.

One of the most prominent people to hold the position was Thomas Cromwell, a highly influential figure during the reign of the King-Emperor Henry VIII. Lord Denning witnessed Sir Nathaniel Lindlay, Sir R.E. Webster Sir, A.L. Smith, Sir R.H. Collins, Sir H.H. Cozens, Sir Earnest Pollock, Lord Wright, Sir W.A. Greene, Sir F.R. Evershed as his predecessors.

**d) Lord of Appeal in Ordinary in the Age of of Lord Denning (App.VII)**

The Lords of Appeal in Ordinary are appointed under the Appellate Jurisdiction Act. The appointees who were not already members of the House of Lords were created the Life Peers. Initially it was intended that peers created in this way would only sit in the House of Lords while serving their term as judges, but in 1887, the passed in the same year provided that former judges may retain their seats for life. Now the provisions of the **Constitutional Reform Act 2005** has transferred the all judicial functions of this Grand House to the newly created Supreme Court, and the justices and the other Lords holding specified judicial functions do not have the right to speak and vote in the Grand House until they leave the judicial office.

Lord Devey, Lord Lindley, Lord Atkinson, Lord Collins, Lord Show, Lord Robson, Lord Moulton, Lord Parker were the eminent Law Lords whom Lord Denning heard in his pupillage. When he entered the Bar in 1923, Lord Carson was a major Lord of Appeal in Ordinary. Lord Denning after sometime in the lower courts, started to accept briefs for the High Court as well as to the Court of Appeal. Thus, he appeared even before Lord Blanesburgh, Lord Atkin (for whom Lord Denning had a great respect just like his preceptors). Lord Thankerton, Lord Tomlin, Lord Russell, Lord Macrollan, Lord Roche, Lord Romer, Lord Goddard, Lord Macdermott, Lord Oaksey, Lord Morton, Lord Jenkins, Lord Hodson, Lord Evershed, Lord Upjohn, Lord Wilbesforce, Lord Diplock and Lord Dilhorne were the great Law Lords of his age.
e) Lord Justices of Appeal in the Age of Lord Denning (App.VII)

The Lord Justices of Appeal are appointed by Her Majesty. Lord Denning had to work with Sir W.N. Birkell, Sir F.A. Shellers, Sir H.G. Willmer, Sir P.A. Delvin, Sir F. Atkinson as the Lords of Appeal.

f) Dean of the Court of Arches in the Age of Lord Denning. (App. XI)

The Deans are appointed by Her Majesty on the recommendations of the Arch Bishop of Canterbury. Lord Denning was a staunch theist who believed in the Ultimate Power. According to him the Path of Lord Jesus Christ is a safe path for attaining salvation. The ways of Christian lives are controlled by the Ecclesiastical Law. In England, the principles of Canon Law are administered and regulated by the Court of Arches. Lord Denning witnessed Sir Arthur Charles, Sir Lewis, Sir Philip W. Baker, Sir Henry Wilink, Dr. Walter Wrigglesworth, Sir Harold Kent, Rev. Keneth Elphinstone as the Deans of the Court of Arches. This designation is also called the Master of the Faculties.

g) President of the Probate, Divorce and Admiralty Division (App XII)

It is special court. Lord Sterndale, Sir F.B. Merriman, Sir J.E. Simon & Sir G.G. Baker were the presidents of this division during Lord Denning's lifetime including his judicial carrier.

h) Justice of the King's Bench in the Age of Lord Denning

Justice of the King's Bench, or Justice of the Queen's Bench during the reign of a female monarch, was a puisne judicial position within the Court of King's Bench, under the Chief Justice. The King's Bench was a court of common law which modern academics argue was founded independently in 1234, having previously been part of the CURIA REGIS. In 1828 Henry Brougham, a Member of Parliament, complained in Parliament that as long as there were three courts unevenness was inevitable, saying that "It is not in the power of the courts, even if all were monopolies and other restrictions done away, to distribute business equally, as long as suitors are left free to choose their own tribunal", and that there would always be a
favourite court, which would therefore attract the best lawyers and judges and entrench its position.

i) **Attorney Generals of England in the Age of Lord Denning (App. VIII)**

Attorney General of England is one of the most important Royal Officers. Along with the subordinate Solicitor General for England and Wales, the Attorney General serves as the chief legal adviser of the Crown and its government in England and Wales. (An exhaustive list along with their respective tenures & further promotions, if any, has been provided in the Appendix -8). Sir D.M. Hogg, Sir P. Hastings, Sir T.W. Inskip, Sir D.B. Somervell, Sir D.P. Mosewell, Sir H.W. Shawkross, Sir John Hobson, Sir Peter Rawlinson, Sir Michael Havers.

j) **Solicitor Generals of England in the Age of Lord Denning (App. IX)**

Her Majesty’s Solicitor General for England and Wales, often known as the Solicitor General, is one of the most important Royal Officers and the deputy of the Attorney General, whose duty is to advise the Royal Ministry on the law.

Some of the Solicitor generals who appeared for the Crown and further advised the Royal Administration upon the complex legal matters were Mr. R.S. Cripps, Y.J. O’Conner, Mr. P.A. Rawlinson, Mr. Dingle Foot, Sir Geoffrey Howe.

k) **Lords Presidents of the Court of Session in the Age of Lord Denning (A-XIV)**

1. The Lord President of the Court of Session is head of the Judiciary of Scotland.
2. The practice of appointing Lyon-Deputes, however, ceased in 1866. The following great legal luminaries were the Lord Presidents of the Sessions during Lord Denning's life time. Mr. Baren Dunadin, Mr. Alexander Ure, Mr. J.A. Glayde, Mr. W.G. Normand, Mr. T.M. Cooper, Mr. J.C. Emslie.

l) **Directors of Public Prosecutions in the Age of Lord Denning (App X)**

The Director of Public Prosecutions of England and Wales (DPP) is a senior prosecutor, appointed by the Attorney General. It was first created in 1879. The Director's department and
role underwent modernization from 1944 to 1964 under Sir Theobald Mathew QC, and further expansion with the introduction of the Crown Prosecution Service (CPS) in 1985, which came under the control of the Director. During Lord Denning's lifetime and career the following legal luminaries worked as the Directors of Public Prosecutions. They include Sir Charles Mathews, Sir Archibald Badkin, Sir Edward Atkinson, Sir Thesbold Mathew, Sir Norman Skethorns as the Directors of Prosecutions.

m) Contemporary Legal Luminaries of Lord Denning within the Commonwealth Realms under the QMEM Elizabeth II. (App. XV and XVI)

Lord Justice Clerk of Scotland and Chief Justices of Australia and Canada

i. Hon. Mr. Y.M. Cooper, Hon. Mr. Alexander Moncrieff, Hon. Mr. G.R. Thomson, Hon Mr. William Grand, Hon Mr. John Hitlay.

n) Lord Advocates in the Age of Lord Denning

The officeholder is one of the Great Officers of State of Scotland. The current Lord Advocate is The Rt. Hon. Frank Mulholland, QC. Hon Mr. G.R. Thomson, Hon. Mr. W.R. Milligan, Hon. Mr. William Grand, Hon. Mr. Z.H. Shearer, Hon. Mr. G.G. Gardon, Hon. Ms. H. Wilson, Hon. Mr. Ronald King Murray.

o) Legal Luminaries from Ireland in the Age of Lord Denning

The office of Lord High Chancellor of Ireland (commonly known as ‘Lord Chancellor of Ireland’) was the highest judicial office in Ireland until the establishment of the Irish Free State in 1922. From 1721 to 1801 it was also the highest political office of the Irish Parliament.

Hon. Mr. Charles Andrew O’Coner was the Master of the Rolls in Ireland during 1912-24. He was elevated as the judge of the newly established Supreme Court of the Irish Free State. In the course of time the Irish Free State declared itself as the Republic of Ireland. It is in fact of Republic of Southern Ireland only. The Territory of Northern Ireland is a part of parcel of the
vast Commonwealth Realms under Her Majesty. The Republic has also quitted its membership of the Commonwealth. No more appeals to the House of Lords.

p) Chief Justices of the Republic of Ireland in the Age of Lord Denning

q) Lord Chief Justices of Northern Ireland in the Age of Lord Denning
Northern Ireland with its capital Belfast is a Queen’s Realm and the Lord Chief Justices are separately appointed for this region. Lord Denning witnessed the following jurists who worked there. H.M.J. Sri James Andrews, H.M.J. Lord Macdermott, H.M.J. Robert Lynd Erskine Lawry.

r) Other legal luminary from various parts of the Commonwealth and the other Common Law countries. (Appendix No- XVII and XVIII)

Indian Jurist like M. Hidaytullah, P. B. Gajendragadkar, Mr.Bhagawati were contemporaries of Lord Denning. American (USA) Jurists Cordozo, O. W. Holmes were also his contemporaries.

s) Leading Advocates

Lord Denning was called to the Bar in 1923, took silk in 1938, elevated as High Court Judge in 1944 and elevated again and again and remained the Master of The Rolls between1962 to 1982. Even after his superannuation, he remained active especially in guiding the law students, advocates, jurists, academic lawyers and judges through various seminars and meets all over the world. Hundreds of advocates appeared before him in his judicial capacity. He had friendly relations with number of his colleagues because he himself was a leading barrister. The researcher has traced a few names from the legal galaxy. Barrister A. M. Sullivan, Barrister Derrick Irvene (afterwords Lord Lairg, Lord Chancellor), Barrister John Charles Rees QC, Barrister Mark Milliken-Smith QC, Barrister Charles Bott QC, Barrister Rex Tedd, Mr. Paull QC, QC, Barrister Leonard Smith QC, Barrister Tony Blair (afterwards Queen’s First Minister) and Barrister Balbir Singh, Mr. George Newman, Mr. Ian Hunter, Mr. Geoffrey Cheshire, Mr. Cecil Fifoot, Mr. Neil Lawson, Mr. Michael Worsley, Mr. Tapp, Adv. Asquith, Adv. Scrutton,
Mr. Quintin Hoff QC, [Afterwards, Lord Halisham of St. Marylebone] Sir Peter Rawlinson QC, Mr Raymond Kidwell QC, Mr.Hugh Laddie QC, Mr.Rix QC, Mr. Rudy Narayan, Sir Max Williams, Mr. David Eady, Mr. Andrew Leggatt QC, Mr. Gareth Pierce, Mr. Simon Brown, Mr. Ashe Lincoln QC, Mr. Plats-Mills QC, Mr. Joseph Jackson QC, Smt. Meher Master, Mr. Vinelotte, Sir Geoffrey Howe QC, Mr. Edward Clarke QC, Adv. John Hughill, Advocate Louis Blom-Cooper QC.

2.24.8 The Social Setting in the Age of Lord Denning (1879-1999)

The Late Victorian Era brought immense progress in all walks of life. There was a tremendous growth of science. The Industrial Revolution had taken place. The Trains and the Petro-vehicles were running. The Post and Telegraph had revolutionized the old communication methods. The Vast British Empire was an intensive source of wealth. The Empire was a 'White man's burden'. It brought many evils. After 1890, there was a complete breakdown of the Agrarian England. Industrialization brought heavy urbanization. Accommodation became a great problem for the poor classes. The West End Area of the London city is a living evidence of the urban poverty. Crime rate was slowly increasing. These problems had just begun in the late Victorian period. There severity was constantly increasing. The old landed class. Aristocracy was slowly decreasing it's political value. The new merchant class was corning forward to gain the political power. British women got the Right to vote and right to be elected. The Victorians tried to make a compromise between the old and the new. About the population of the British Empire, Dr. Raghukul Tilak Says (The Social History of England Page 144) [45].

"By 1900, the Great Britain was the Center of an Empire ruling over 13,000,000 sq. miles of territory Inhabitation by nearly 320000000 Of subjects of whom nearly 300000000 were to be found in India alone"

The British population of 37 million was controlling this vast empire. James Mill and Jeremy Benthan were propagating their Philosophy of utilitarianism. Now the human beings were 'Economic Men'. The Victorian Era witnessed a great controversy between the religions and the scientific principles. Darwin's Theory of Evolution was strongly criticized by the theocrats. The authority of the Church of England was also challenged by the Oxford Movement. The religious
spirit was certainly on decline. The great Victorian Poet Matthew Arnold describes the situation in the following words. [46]

"The Sea of faith
Was once, too, at the FULL, and round earth’s shore
Lay like the folds of a bright girdle furl’d
But now I only hear
Its melancholy, long, withdrawing roar,"

- From the Dover Beach

After the death of Queen Victoria in 1901, her Successors practically become the 'De Jure' Rulers of the Realm. Many constitutional powers of the Monarch were now used by the Prime Minister. Mr. Balfour, Mr. Asquith, Mr. Llyod George, Mr. Mc. Donald and last but not least Sir Winston Churchill – all ruled the vast empire in the name of His Majesty. The Victorian pattern of Authoritarian Society was slowly yielding to individualism. The wives were demanding equal status to that of men. Litigation of divorce and custody of minors was constantly increasing. 'The Family Division' was made a separate Appellate Court. Post Victorian Era witnessed the growth of socialism. The spirited socialists successfully led a Revolt against the Russian Emperor Czar Nicholas II. They deposed Him and assassinated all the members of the Royal Family (1918). Excessive Russian Socialism and Excessive American Capitalism paved the way for the Cold-War.

2.24.9 Europe between the two World Wars (1914-1945):

The First World War (1914-1918) and the Second World War (1939-1945) changed the map of the word. The wars destructed the common men and many nations. They created severe problems of unemployment and poverty. In spite of the spirit of individualism, the world witnessed the spirit of Universal Brotherhood. The experiment of the League of Nations failed but it paved the way for the United Nation after the Second World War. Social Legislation in England during 1900 to 1914: The period of British History is remarkable for a number of legislative measures that aimed at improving the social condition of the English. These measures are as given below.
1. **The English Education Act of 1902** and a similar act of 1903 applying exclusively to London helped in the further improvement and coordination of education in all its branches in England.

2. **The Irish Act of 1903** established, by means of government loans, a system of peasant proprietorship in Ireland.

3. **The English Licensing Act of 1904** provided for the withdrawal of unnecessary licenses and for the compensation of the licenses.

4. **The Workmen’s Compensation Act of 1906** guaranteed compensation to all the workers in England who were injured during the hours of work.

5. **Small Holdings and Allotments Act of 1907** empowered English Country Councils to acquire land and to let it out to the citizens in small holdings.

6. **The Army Act of 1907** established in territorial Force in place of the old Militia and volunteers.

7. **The Old Age Pension Act of 1908** provided weekly pensions for all needy persons of seventy years of upwards who were not in respect of Poor Law relief and had the privilege of not forfeiting their claim by criminal conduct.

8. **The People’s Budgets of Lloyd George of 1901 – 10** was passed after meeting with a stiff opposition by the Lords. It provided for taxation on the rich persons and more amenities to be given to the poor people. It also led to the reform of the House of Lords and for this Parliamentary Reform Act of 1911 was enacted. By this Act the power of the House of Lords was limited to a suspensive veto, the duration of the Parliament was fixed as five years and the members of the Parliament were to be given annual salary.

9. **The national Insurance Act of 1911** provided for persons earning a sum of £160 of less annually a system of insurance against illness on a contributory basis and in traders in which employment was seasonal or temporary insurance against involuntary unemployment was also introduced.

10. **Coal Mines Minimum Wage Act of 1912** created local joint boards in each mining district to fix minimum rates of pay for the workers.

The wide programme of social reforms was abruptly suspended owing to the outbreak of the First World War.
2.24.10 The Legal Profession in England and Wales [47]

In most of the countries there is only one cadre of Legal Profession, e.g. There is only one cadre of the Legal Profession in India i.e. Advocate Act 1961 – enrolling the 'Advocates' on its Roll. They all can practice from the County Court to the Supreme Court of India. In England the legal profession is divided into two types of lawyers.

Solicitors

The solicitors are the general practitioners who deal with clients directly. The following type of Legal works a normally done by the solicitors.

a) Litigation work  b) Commercial work  c) Conveyance work  d) Family work  
e) Licensing work  f) Probate work

Solicitors normally work before the 'Lawer Courts' only. In 1997, Lord Mackay of Clashfern (Lord Chancellor – House of Lords) elevated some solicitors to the rank of Queen's Counsel (QC). The Law society enrolls the solicitors. The law graduates / general graduates / diploma holders can appear for the Common Professional Examination (CPE).

Barristers

They are basically 'Courtroom Lawyers' they appear from Crown court to the Privy Council. They accept briefs from the solicitors. The Barristers belong to one of the following Inns of Court.

a) Lincoln's Inn  b) Gray's Inn  c) Middle Temple  d) Inner Temple

(Thaive’s Inn is no more actively engaged in Legal Education)

Lord Denning was a regular bencher of the Lincoln Inn. He was the only law related personalities of England who was the member of the all four Inn of Court. Lord Chancellor can appoint certain number of legal professionals as Queen's Counsels (QC). It requires ten years standing at the Bar. The QC's wear the gowns of silk. They are usually assisted in Court by their juniors.

The barristers can practice in any judicial Court i.e. upto the Privy Council. The professional barrister is controlled by the above mentioned Inns of the Court. They conduct a practical
training in the profession of law. It is called Bar vocational course and then after qualifying as a barrister doing at least twelve months pupilage.

2.24.11 The Judiciary of England & Wales [48]

Throughout the Commonwealth Realms the Judicial Committee of the House of Lords is the highest Court of Appeal. It is also called the Privy Council. However the Crown has allowed a different hierarchy of courts within the Commonwealth Realms (where the Queen is regarded as the Head of the State), British Overseas Territories and the Crown Dependencies. Thus, in the U.K. we find an amalgamation of various legal systems. England and Wales have a unique legal system based on English law also called common law. Lord Denning is essentially related with the administration of the Common Law Principles. Due to British Imperialism the common law system reached to Australia, Canada, New Zealand etc. where it is still followed. The system is also a backbone to India and the United States. The last two countries no longer regard the Queen as the Head of the State (for India the Queen is the Head of Commonwealth only to which India is a member). The United States declared its Independence on 4th July, 1776. It is a former British colony. It is not a member of the Commonwealth. However, the American legal system is also essentially a part of parcel of the Common Law though we also find some admixture of the Civil Law system in that country. Recently, in October, 2009 a new Supreme Court of the United Kingdom has come into being to replace Appellate Committee of the House of Lords. Within the UK in Scotland the principles of Scots Law are administered. Scots Law is a hybrid system based on both Common Law & Civil Law Principles. Northern Ireland Law is a part and parcel of Common Law. Throughout the U.K. under the English and the Scots Law the Jury System is prevalent in the Lower Criminal Courts. They seat in odd numbers. In England and Wales, they declare the accused as 'guilty' or 'not guilty'. Under the Scots Legal System there can be three possible verdicts –'guilty' 'not guilty' and 'not proven'. Lord Denning widely traveled throughout the world both before and after his superannuation in 1982. He visited the countries where the Common Law as a base of legal system. He also visited the countries where the Civil Law system is prevalent. He compared both the systems and delivered lectures at various Universities, Bar Associations and Magistrates Conferences. Before 1982, he was lovingly called a 'Peoples Judge'. Now after 1982, the people started to call him an 'Ambassador at Large for
Common Law'. Let us have a bird’s eyes view upon the hierarchy of the courts (as it was in Lord Denning's time).

Illustration – 17

The Privy Council, the Judicial Committee of the Grand House of Lords, the Highest Court of Appeal for all the Commonwealth Realms.

1) Magistrate's Courts

In England and Wales, they are Lower courts having a significant Civil Jurisdiction. Domestic Proceedings Act, 1978 & Children Act, 1989 are administered by this Court hence it is also called Family Proceeding Court.

2) County Courts

The County Courts are available at nearly all the counties in England and Wales. They have a small pecuniary jurisdiction. Normally upto £ 1000 (Lord Wolf’s Interim Report 1995 has recommended to increase the pecuniary jurisdiction upto £ 5000.

3) High Court of Justice

The High Court of Justice was created in 1873. It now has three divisions the Court of Chancery, the Queens Bench Division and the Family Division.
4) **The Crown Court**

These Courts have assimilated the old Assizes and the Quarter Sessions. They hear all cases involving trial. They also hear appeals from the magistrates’ court.

5) **Court of Appeal (Civil Division)**

The Court of Appeal hears the appeals from the High Court. The certain appeals can directly go to the House of Lords (It is called a leapfrog appeal).

6) **Court of Appeal (Criminal Division)**

This Division hears the appeals from the Crown Courts.

7) **The House of Lords**

House of Lords is the second organ of the Supreme Parliament.

   a) The Crown  b) The House of Lords  c) House of Commons
The Parliament is the Supreme authority in Executive, Legislation & Judiciary. In the judicial capacity, the Crown has delegated its judicial powers to the House of Lords. It has more than one thousand members. Most of them are the hereditary peers. Some of them are the Life Peers. Certain Bishops and dignified persons are also members of the House. The position of hereditary peers is fast changing. Their numbers has been considerably decreased in 1999 when Sir T. Blare, the Queen’s First Minister, advised her to promulgate the (new) House of Lords Act, 1999. Lord Denning also died in the same year. It is practically impossible for this huge House to
hear the highest appeals involving technical legal issues not only from England but also from a number of Commonwealth Realms. Hence it has been decided that instead of the entire House of Lords, its Judicial Committee consisting of seven, nine or eleven Law Lords (They are senior legal experts appointed to the House as Life Peers with no age restriction) would hear appeals. Lord Denning was also appointed as a Law Lord and could work up to 1982 i.e. up to the age of 83 and he himself declared his superannuation as he was also a Life Peer.

2.24.12 BRITISH IMPERIALISM AND THE COMMONWEALTH:-

In the later half of the 16th and the first quarter of the 17th century the British Empire started developing commercial rivalry and mutual misunderstanding with the European nations and this gave birth to Imperialism. After the discovery of new routes to America and India, Spain and Portugal became very rich and France and Holland became greedy. These countries began their expansion in America, Africa and Asia. In India and America, England established her monopoly after defeating the French. With the close of 18th century, North America fell under the control of England. The following points are worth nothing for the study of the expansion of the British Imperialism.

Salient Features of the British Imperialism:

Among the imperialistic countries the British Empire along occupied one fourth part of the world and its population was 25% of the population of the world. In it lived people of many religions, colours and civilizations. The countries under the control of England had different systems of administration. Somewhere there was the rule of the company and somewhere there was the control of the Government of England. There were some countries which had Dominion Status and other regions where under the protection of the British Government. The proverb ran thus - The Sun does not set in the British Empire.

Cause of the Expansion:

There were three main causes of its expansion:
1. Geographical Situation: England is surrounded by the sea, so the residents of this place are expert sailors and her naval power is matchless. The other countries could not compete with her
in it. The sea proved a great boon for England and even the great conquerors like Napoleon or Hitler could not defeat her.

2. Industrial Revolution first of all took place in England, so the English felt the need of establishing colonies earlier than other continental people.

3. The Character of the English race their being firm devotees of the Monarchy and their courage were not less responsible for the expansion of their empire.

The Countries of British Empire and the Commonwealth [including Realms]

1. **India** - In the British Empire India occupied the most important place. In 1488, Vasco-de-Gama first of all discovered India. In 1600 East India Company was established for trade with India. The British Empire was founded by Clive from the day he won the Battle of Plassey (1757). Since then Indians made many unsuccessful attempts to win freedom. In the end it was on August 15, 1947 that India became free by the efforts of Mahatma Gandhi and his companions. Before one day the Crown had granted autonomy to the Dominion of Pakistan. India, Pakistan and Bangla Desh, all are the members of the Commonwealth. Presently the Crown controls the British Indian Ocean Territory consisting Diego-Garcia and certain other adjoining islands.

2. **Gibraltar** - As the first country that got her colonies established in America because Columbus with the help of Spain had discovered it. Afterwards, gradually England reached there and in the middle of 18th century she captured some portions of south Canada. In 1783 the United States of America won the war of American independence and freed herself from the British control. Even today, Gibraltar Region of South West Spain is a Crown Colony under QMEM ELIZABETH II.

3. **Canada** – In 1763, England captured Canada from France after getting victory in the seven years war. Here lived both the French and the English. In 1791, because of revolts Canada was divided into two parts, North Canada and South Canada. British territories in Canada were united after Lord Durham's Report which was submitted to Queen Victoria in 1840. In 1887 Canada revolted again but could not achieve victory. These divisions were united by the recommendations of Lord Durham Report of 1840. The conflicts between the English and the
French continued for some time more, so Canada was freed in the internal field in 1867. In 1887 the Queen promulgated The British North America Act 1867 [Presently The Constitution of Canada 1982] by which the Colonies attained the self rule within the Commonwealth Realms. Her Majesty is 'Head of the State' for the entire (Upper and Lower) vast Canada.

4. **Australia** – In 1768, captain cook discovered Australia and the English got their colony inhabited there. In the beginning only exiled prisoners were sent to Australia. Slowly and slowly the economic growth compelled the British Government to develop the means of communications there and to develop it materially soon a large number of colonies were set up there. Legislative assemblies were also set up in every colony. After the First World War Australia got the right of self rule and she is now a member of the Commonwealth as a Realm under the QMEM Elizabeth II. The British colonies in Australia regard the Queen as 'Head of the State' as per the provisions of the Constitution of Australia 1982.

5. **New Zealand** - Captain Cook was also the discoverer of this Island and in 1839 it came under the control of England. The original settlers of this place were Maories, and they also opposed the English rule but failed to drive them out. In 1852 a confederation was established here and these colonies. They also got the right of self rule after the First World War. It is also a member of the Commonwealth. It is a Realm under the QMEM Elizabeth II as per the provisions of the Constitution of New Zealand. 1986.

6. **British Africa** - In Africa, the colonies of England began to be inhabited from the South to North. According to the decision of the Vienna Congress, Cape of Good Hope came into the hands of England. To the North of this region, lived peasants who were called Boers. Upto 1899 the English captured Natal Transwal and Orange Free State, and in 1909 the Royal Government established South Africa. Many of the former colonies are now Republics. Swaziland and Lesotho are the only Kingdoms where the ancient Royal Houses rule. They have special relations with the House of Windsor. They all are the members of the Commonwealth. England got the major part of North Africa. They got Nigeria, Gold Coast, East and West Africa, Egypt and Sudan. As Sudan was under Egypt, the English captured it also after they had established their rule in Egypt. It is interesting to note that certain countries in Africa, never under the Crown, are trying to enter the Commonwealth in the Post Denning Era.
Statute of Westminster [52] - It was an important statute enacted by the British Parliament in 1931 for defining the relations of the members of the Commonwealth Realms of Nations with the home country. It was passed on the recommendations of Belfour committee appointed in 1926 and the committee submitted its report to the Imperial Conference of the Representative of the various Dominions held in London in 1930.

The Statute provided that –

1. The Parliaments of the Dominions were free in legislating any kind of laws for the betterment of the dominion.
2. The British Parliament had no right to make any laws for the dominions after the promulgation of the present statute. Of course if a dominion requests the British Parliament to make certain laws for that particular dominion, the Home Parliament may consider the request.
3. The Dominions were also given the option to remain with or quit the Commonwealth of Nations. Thus the Commonwealth became a sort of League of Nations for the colonies.
4. The Crown is still a nominal link of Commonwealth uniting all the dominions to the mother country.

Consequently all the dominions were given status of equality with Great Britain and were made free from the influence of the mother country both in theory as well as in practice. They had the right to nominate or elect their won Governor – General hence-forth. If any change was needed in the titles of the British Ruler or the Law of Succession of England was to be necessary along with that of the Home Parliament. Green a famous historian, has commented on the importance of this statute by adding: [53]]

“The Statute of West-Minister dissolved the formal bonds of Empire. The Ottawa Conference of 1932 tried to establish a new commercial tie for members of the Commonwealth. Joseph Chamberlain’s plan for the imperial preference as an instrument of Imperial Unity was fully vindicated’.

In brief, the statute was landmark in the history of British Colonial Development. It is clear from the above discussion that the structure of the British Empire was not uniform and it changed from time to time. The outline of this change is clear from the above discussion. Thus we reach the conclusion that England had to free many colonies but still she needed their co-operation. So she established a Commonwealth of Nations of which these free states are members at par. In the present organization, there are 16 Commonwealth Realms under the QMEM Elizabeth as Head
of the State. There are other 48 members. All regard the Queen as Head of the Commonwealth. Commonwealth citizenship is the most delicate question at the contemporary times which the researcher has discussed at the proper places in this thesis. Senior English Jurist Hon’ble Mr. Boman submitted his report in 1998. The Access of Justice Act was passed in 1999. (The last year of Lord Denning's life). This report has introduced certain changes in the hierarchy of British Courts. Lord Denning was reluctant of sending appeals to the European Court of Justice. He has expressed his opinion upon the **Human Rights Act** promulgated in 1998. [54]

> "Our sovereignty has been taken away by the European Court of Justice. Our Courts must no longer enforce our national Laws. They must enforce community Law. No longer is European Law an incoming tide following up the estuaries of England. It is now like a tidal wave bringing down our sea walls & flowing inland over our fields and houses --------- to the dismay of all"


**Illustration -19**

QUEEN’S MOST EXCELLENT MAJESTY
ELIZABETH - II

The Queen of the 16 Commonwealth Realms- the U.K., Australia, Canada, New Zealand etc. and also the Head of the Commonwealth of Nations

The British Commonwealth of Nations is evolved from the British Imperialism. Though, the First and Second World War made England and the UK practically weak, they succeeded in establishing a huge Commonwealth of Nations. Today, it has many Member States. Most of them are autonomous countries within the Commonwealth regarding the Queen as the Head of the State – e.g. Australia, Canada, New Zealand etc. there are Crown territories like Isle of Man etc. There are overseas departments like Falklands. There are also fully independent countries
like India. The Queen has established her separate Privy Councils for her subjects in Australia and Canada. Hence there is no need to send appeals to London from these Realms. New Zealand and other Commonwealth territories like Tuvalu still send their highest appeals to Privy Council in London. India has passed Abolition of Privy Council Jurisdiction Act in 1948. Hence, no appeals can go to Privy Council after its promulgation.

In the present thesis, we are basically concerned with the position of 1944 when Lord Denning entered the Supreme British Judiciary as a Law Lord. Recent developments especially after the lifetime of Lord Denning are of academic interest only. Crown Colony of Hong Kong was a Realm upto 1999. Now it has been handed over to China as a Special Administrative Zone.

**The European Court of Justice at Strasbourg**

The UK is one of the original members of E.E.C. (European Economic Community). Originally it was concerned with the Post World War economic reconstruction of the Continent. But now it seems that the European powers are constantly coming close to each other. The old economic community is now called the European Union (EU). The Treaty of Rome is observed by all member states (Article 234) and guidance provided by *Bulmer v Bolinger (1974)* has paved the way for this Court to be more superior to the House of Lords in the very words of Gary Slapper and David Kelly. [55]

"*In terms of Human Rights
Issues, therefore, it is
Superior to the House of Lords*"

It is interesting to note that Lord Denning's opinions are still valued much though a decade has already been passed since his death in 1999. Even today, the UK has not accepted Euro as a mode of currency. The Pound and Penny system still remains the backbone of economic affairs throughout the U.K. Many other members of the European Union have accepted Euro as their major currency unit. Lord Runciman has recommended the curtailment of the Jury system. However the Her Majesty's Courts have not yet accepted the recommendation.

**The Legal Robes [56]**
In England and Wales (As well as throughout the Commonwealth except (USA after 1747 and India 1948), the common court dress is compulsory. The Judges and Barristers Wear Legal Robes. It includes Wigs, Gowns and 'White Bands'. The judicial and the professional robes are slightly different. In fact the judges wear a wig and a robe with a closed garment. The Barristers wear with an open garment. The Solicitors who appear in the Higher Courts wear bands and gowns but not wigs.

2.24.13 The Principles of Common Law [57]

The Roman General Julius Caesar conquered the British Isles (then called Albion) and assimilated them into his vast Roman Empire. He appointed Maj-Gen. Agricola as the Roman Governor of these territories. He imposed the Principles of Roman Law into the isles by replacing the chthonic traditions. The Danish invasions made tremendous changes in the legal system. The Norman invasions of Eleventh century A.D. brought certain Gallic traditions unknown to Roman law. From the times immemorial, England never had any written constitution. The customs, the legislation, the delegated legislation, the precedents, the learned opinions of the jurists and now even the international conventions form a basis of the origin of law. The legal system developed on the Continent is quite different from that of the legal system developed in England. The continental system is called the 'Civil Law System' the local English legal system is called the Common Law System. In England the Common Law is attached with Equity. The two systems are now united. QMEM Elizabeth – II is the reigning monarch of the united Kingdom and the 16 Commonwealth Realms like Australia, Canada, New Zealand, etc. (Appendix – II). In all these countries the common law system is prevalent. In the former territories under the British Crown like the United States of America and the Republic of India, Pakistan and Bangladesh (All from British India) the common law system is followed with very minor alterations. The following map illustrates the common law system, the civil law system and the traditional Mohemmedan law system followed in various parts of the world. In the final analysis, the equity must prevail. Common Law and Statute Law are two dominant sources of law. Common law is a judge made law while the Statute law is promulgated by the Parliament. Along with Common Law England still retains certain principles of the Ecclesiastical Law (Canon Law) and the Dean of the Court of Arches is having full authority to administer this most
ancient branch of the human law. The British Imperialism paved the way for the massive expansion of the common law throughout the world.

Illustration – 20
Common Law systems in the present day world.

Legal Systems of the World

- Common Law
- Mohammedan Law
- Civil Law

2.24.14 The Works of Lord Denning

1. Legal Works

Lord Denning was an Assistant Editor of Smith’s Leading Cases when he had newly started his practice. He wrote a number of articles on legal subjects. He has also edited legal text Books for the law students on the subjects ‘The Law of Torts’, ‘The Law of Contracts’. They are in the form of short Keys and are currently not available. He has also contributed for the Law Quarterly Review during 1925 to 1950. He delivered the famous Hamlyn Lectures.

He published The Changing Law, his first book in 1953. The Road to Justice (1954) is a compilation of the Lectures which he delivered in America. The titles include-

1. The Spirit of the British Constitution
2. The Rule of Law in the Welfare State
3. The changing Civil Law
4. The Rights of women
5. The Influence of Religion
6. The Free Press
7. The Honest Lawyer
8. Eternal Vigilance
9. Freedom under the Law
10. The Just Judge

Illustration – 21
Front Cover of the Anthology – Lives from My Library

2. Literary Works

When Lord Denning was on the verge of his retirement, he decided to devote his energies for writing. The outcome is the world famous Christmas Series of five consecutive books. The series is called the Christmas series because all the six books of this series were written by his Lord Ship in the Christmas Vacations of the Judiciary and were also published in the holidays between 20th to 30th of December of the concern years. They are fine examples of literary works embedded with law. The present research is primarily based on this series which includes:

1) The Discipline of Law (1978)
2) The Due Process of Law (1979)
4) The Closing Chapter (1983) and

In addition to these classics Lord Denning has also written an autobiography *The Family Story* (1982) which depicts his ancestry and early years. *Leaves from my Library* (1999) were under review when Lord Denning’s health deteriorated and was hospitalized at the Royal Hampshire Health Centre, England. It is a unique anthology of English prose which Lord Denning has himself chosen from his library at his country home in Whitechurch. The scenes vary from trial of The Merchant of Venice to Sir Winston addressing a nation at war. The book, though now printed must have remained incomplete due to ill-health of His Lordship at the time of its compilation.