

*THE CONTRIBUTION OF WELSH LAWYERS:
the David Lloyd George Memorial Lecture, 2006**

by Lord Morris of Aberavon, KG, QC

It is a great privilege for me to be asked to give a lecture at this festival, on some aspect relating to David Lloyd George. First of all, what connection do I have with David Lloyd George? I was a Welsh Member of Parliament for nearly 42 years (which was not quite as long a term as his); I just about remember his voice on the National Eisteddfod platform; and I remember well the announcement of his death. The story that I treasure is how in the midst of war, Winston Churchill ensured that four of his grandchildren who were servicemen in different parts of the world were brought home to act as his pall bearers. I am also chairman of the trustees with the task of erecting a statue of David Lloyd George in Parliament Square, to be placed between Churchill and General Smuts of South Africa – three members of the war cabinet – a statue fifty years overdue. The good news is that a great deal of the money is now raised, the sculptor has been commissioned and in it should be unveiled this autumn. Viscount Tenby is an active colleague in the House of Lords, and I served briefly with him in the Royal Welch Fusiliers, and the Earl Lloyd George is a neighbour and Deputy Lieutenant of Dyfed.

It is the professional affinity with Lloyd George the lawyer that has prompted my choice of subject for this evening's lecture: the contribution of Welsh lawyers. But what sort of contribution, and to what? I have studied a long list of lawyers throughout the ages from Wales and sought to establish

* Delivered at Criccieth on 22 June 2006, with the Earl Lloyd George of Dwyfor in the chair. I gratefully acknowledge suggestions for some of my material from Mr David Jones, CBE, former Librarian of the House of Lords, and Professor J. Beverley Smith. I have drawn much of the information about individual lawyers from *The Dictionary of Welsh Biography down to 1940*, ed. J.E. Lloyd, R.T.Jenkins et al. (Honourable Society of Cymmrodorion, London, 1959) and *The Oxford Dictionary of National Biography*, ed. Colin Matthew, Brian Harrison et al. (Oxford, 60 vols., 2004).

their credentials as good lawyers, but also for something more, for what I would call, for lack of imagination to call it anything else, 'the plus factor'. This could be a contribution so valuable to the law itself that we, as fellow Welshmen, can bask in its reflected glory, or perhaps a much greater contribution to the life of the country generally. One thing I am confident of is that my list will be capable of being improved upon, and others would suggest names perhaps more to their liking. Erudite work has been published by Professor J. Beverley Smith on 'The Legal Position of Wales in the Middle Ages' and the battle between King and marcher lords in various courts.¹ This conflict continued in the time of the Great Sessions (1541-1830) in quarrels over jurisdiction between Westminster Hall and the Great Sessions.

While preparing this lecture, my attention was drawn to the BBC Radio Lecture on 'Welsh Makers of English Law' by Professor D. Seaborne Davies, broadcast in 1967². Seaborne Davies asked how he should approach the lecture: 'Should a few pre-eminent Welsh lawyers be described in depth or should a grand cavalcade of centuries be presented in rapid motion?' He gave reasons, for the purposes of his lecture, of following the second course. While I mention in passing quite a few lawyers, I shall concentrate on the attributes of a few, in order to focus on what I would describe as two Golden Ages of Welsh lawyers, the seventeenth and the twentieth centuries. I am grateful that I did not feel it was incumbent on me to pursue the laws of Hywel Dda (Hywel the Good), the greatest of our law-givers, as my lack of erudition would soon be made plain.

Owain Glyndŵr, it is claimed, studied in London in one of the Inns of Court and his father-in-law was a judge of the King's Bench in 1383. Unfortunately the records of the Inns start later, but it was customary for his class to attend one of the Inns to gain some knowledge of the law. Owain was a witness in support of Grosvenor's claim in 1386 to a particular coat of arms, as was his brother, Tudur. According to Artemus Jones³, their evidence at the trial in Chester was not accepted, Grosvenor lost his case on appeal to the King and blamed his lawyers. Has anything changed? Owain's appearance as a witness is an indication of his status in contemporary society, not of his legal eminence!

¹ In Alan Harding, ed., *Law-Making and Law-makers in British History: papers presented to the 3rd British Legal History Conference, Edinburgh, 1977* (Royal Historical Society, Studies in History, 22), London, 1980, 7 et seq.

² The BBC Radio Lecture on 'Welsh Makers of English Law' by Professor D. Seaborne Davies, broadcast in 1967, has been reprinted in *Y Cyfraniad Cymreig: Welsh Contributions to Legal Development*, edited by Thomas Glyn Watkin (The Welsh Legal History Society, vol. 3, Bangor, 2003), 1-19.

³ His Honour Sir Thomas Artemus Jones. *Without My Wig* (Liverpool, 1944).

Let me return to the reason we are gathered here: to celebrate the contribution of a Welsh lawyer, while not forgetting another, William George, in his time Wales's oldest solicitor-practitioner. The contribution of David Lloyd George as a solicitor-advocate from the time of the celebrated Llanfrothen case onwards has been described many times. He would have been one of the shining stars of the bar of England and Wales, and to have had a seat in the front row of his jury would have been worth paying for. John Grigg writes in *The Young Lloyd George*, (1973): 'Between 1885 and 1890 it is virtually impossible to separate Lloyd George the solicitor from Lloyd George the politician'⁴. In later years obviously, Lloyd George had been wholly seduced by politics. And it is in the 'plus factor', not the law, that he really excels. His brother, William, despite being a busy solicitor throughout his long life, scored heavily too in the plus factor, with his major contribution to local government, education and our culture.

These examples help to define my theme, but let me dispose of one whose 'plus factor' is apparently so limited that it hardly deserves a mention. But it has the '*News of the World* factor', and exemplifies a certain kind of claim to fame or notoriety. He was Judge John Johnes (1800-1876) of Dolaucothi, who was murdered as an act of revenge by Tremble, his Irish butler, for not giving him the tenancy of an inn – the only judicial casualty I have come across, leaving the tragedies in Northern Ireland to one side. However, the President of the National Eisteddford in Wrexham in 1876 referred to Johnes 'as a most talented and patriotic of Welshmen'.⁵

The most distinguished of Stuart judges was undoubtedly Sir John Vaughan (1603-1674) of Trawscoed, MP for Cardigan Boroughs and later Cardiganshire. (Mr Mark Fisher, who sits in the Commons as a Labour MP is a Vaughan of Trawscoed.) His silver-tongued eloquence in the Cavalier Parliament was widely admired. He became Chief Justice of the Common Pleas in 1668, attaining an eminence in the judiciary through merit in a period before judicial appointments came to be determined by party affiliation. His authoritative opinion helped to preserve the Courts of Great Session against the encroachment of the Westminster courts. His fame rests on Bushel's case in 1670. Bushel was one of the jurors in the prosecution of the Quakers William Penn and William Meade for holding an unlawful assembly, and he was imprisoned. The case came before the Common Pleas on a writ of habeas corpus. Vaughan demonstrated beyond dispute that jurors and not the judge are to decide questions of fact. Ever since, jurors have been protected and have retired under the full protection of Vaughan's historic judgment. On

⁴ John Grigg, *The Young Lloyd George* (London, 1973), 45.

⁵ Bethan Phillips *The Lovers' Grave* (Gomer Press, 2007), 53

many an afternoon, with my jury out deliberating in the Old Bailey, I have paused to revere the plaque with the names of Bushel and his fellow jurors on it.

In his lecture to the Cymmrodorion in Cardiff in 1982⁶, Lord Edmund-Davies singled out two Welsh judges of outstanding quality. The first was Judge David Jenkins of Hensol (1582-1663). Jenkins strongly opposed Charles I's method of raising money; nevertheless when civil war broke out, he constantly and consistently committed himself to support the King. Charles appointed him Puisne Judge of the Court of Great Sessions and placed him in charge (less than enthusiastically) of the circuit of Carmarthen, Pembroke and Cardigan. He was a constitutionalist, a puritan and no courtier. He was imprisoned in the Tower and charged with high treason; he formally replied that support for the King could not possibly constitute treason against the King. When brought from the Tower to the House of Commons to be examined, he refused to kneel, calling the place 'a den of thieves'. When the House voted him guilty of treason, he made the immortal reply, 'so be it. I shall go to my death with the Bible under one arm, and Magna Carta under the other'. He was not fully relieved at the Restoration and it is said, had he given money to Lord Chancellor Clarendon, he might have been appointed one of the judges at Westminster. He retired instead to Ystradowen and became a patron of the bards, presiding at the annual eisteddfod held there. I would heartily endorse Edmund-Davies's accolade to this man of exceptional integrity.

It may surprise you that I now come to the notorious Judge Jeffreys (1645-1689), born in the family home of Acton Park, Wrexham. His grandfather had been one of the justices for North Wales, and Jeffreys himself gained prominence for defending the established church against both Catholics and dissenters. He earned his notoriety for his savage judicial vengeance against the insurgents in the Western Rebellion, when 2600 were detained on charges connected with the rebellion, nearly half of whom confessed, 1381 were tried, most of whom were convicted and sentenced to die. Of these, 200 were executed; most of the remainder, as well as those who had confessed, were transported to the West Indies.

It was his loyalty that distinguished Jeffreys: his commitment to serve his King kept him at his post even longer than the King at his. He had begun as a sort of royal spy, and ended as Chief Justice of the King's Bench. A month short of his forty-fourth birthday, he died in the Tower. Seaborne Davies claims:

⁶ Lord Edmund-Davies, PC, LLD, BCL, 'Judicial Quality' *Transactions of the Honourable Society of Cymmrodorion for 1983*, 22, 27.

in all the annals of English law, his rapid advance up the legal ladder to its very pinnacle stands unrivalled. A man of great intellectual talents and an immensely skilful advocate. While he was magnificent at the bar, on the bench he allowed himself free rein which even by prevailing standards was excessive, especially against defendants before him on allegations of sedition and treason.

F. E. Smith, Lord Birkenhead, the Lord Chancellor, writing in the 1920s, noted: 'there must on the whole, have been something quite exceptional about his ability, or he would neither have risen so fast nor have been hated so heartily'.

Jeffreys's legal adversary was a Welshman from Nantanog, Llantrisant, Anglesey, William Williams (1633/4-1700). When he became MP for Chester, he was said to have whipped his supporters into a too small City Hall so as to ensure his election, at least nine of whom died. He quickly became a leading member of the Commons, and so far as I know, its first Welsh Speaker in 1680, and he served twice in that post. Throughout his years in Parliament, he had remained one of the leading practitioners in Westminster Hall – he defended, and Jeffreys prosecuted. When James II made him Solicitor General for a brief inglorious period, he was regarded as a traitor. He prosecuted the seven bishops and when judgment came for them, he was hissed by the crowd. He was a man of some dash and bravado, a marvellous orator capable of galvanizing listeners in Parliaments and the streets of Chester. When he became Speaker, instead of protesting his unworthiness, he suggested he was precisely the person to hold such an exacting position. He helped to draft the Bill of Rights.

The Trevor family from Trefalun, Denbighshire, produced generations of leaders in politics and the law. Sir Thomas Trevor (1573-1656) was a Member of Parliament, and Baron of the Exchequer. He was one of the twelve judges who returned an answer favourable to the crown to collect ship money. At the outbreak of the Civil War, Trevor recognised the authority of Parliament and when served with a writ from King Charles requiring his and other judges' attendance at Oxford, instead of complying, the judges committed the messengers, one of whom was afterwards executed as a spy. Another was Sir Thomas Trevor (1658-1730). He was one of the judges who unsuccessfully advised the House of Lords in the case of *Ashby v White* (1704)⁷ to support the right of the Commons to determine electors for Members of Parliament, seeing it as a logical extension of the Commons' right to determine its own

⁷ *Ashby v White* (1704): *14 State Trials, House of Lords*.

membership. He was one of twelve peers created to ensure a majority in the House of Lords for the impending Peace Treaty and he became Baron Trevor of Bromham. These peers were understandably criticised for being selected on grounds other than merit. Was it not ever thus?

Sir Thomas Jones (1614-1692) was Chief Justice of North Wales and Chief Justice of Common Pleas, and was engaged in most of the trials that disgraced the latter part of Charles' reign and the commencement of that of James II. It was said of him that he 'almost famished for preferment'. Before I leap to the nineteenth and twentieth centuries, I must mention Lord Kenyon. Lloyd Kenyon, First Baron Kenyon (1732-1802) of Gredington, Near Hamner, Flintshire was a very remarkable lawyer who became Master of the Rolls and Lord Chief Justice, serving for 14 years in the latter office. William Wilberforce wrote of him as bringing home cases to be answered 'As another man would crack walnuts when sitting tête à tête with Lady Kenyon', his wife and first cousin. He followed Lord Mansfield, who it is said delayed his retirement to avoid Kenyon's appointment as Chief Justice. He presided over some of the most important state trials of the period and reversed some of Mansfield's findings. Kenyon had deep Christian views which he adumbrated in his judgments. He had unfortunately a bad temper in court, and had a reputation for being parsimonious; it was said 'he kept Lent all the year in his kitchen'. His earnings at the bar, which were rivalled by few other lawyers, came largely from opinions on cases, rather than advocacy, for which he had no great gifts.

George William Osborne Morgan, KC, MP (1826-97) was twice a Minister in Gladstone's government and abolished flogging in the army. He took an active part in Welsh education. In a matter of direct relevance to Lloyd George's Llanfrothen case, he had introduced a bill which became an Act, after ten successive sessions, to permit a burial in any Christian service in a parish churchyard.⁸ It was the vicar's attempt to circumvent the Act, by relying on a post-Act conveyance with restrictions on part of the churchyard that was the issue in the Llanfrothen case.

Viscount Sankey (1866-1948), Lord Chancellor in the second Labour Government in 1929, was hardly a Welshman, though he won his spurs as a young workmen's compensation lawyer in Cardiff and was largely responsible for the framing of the constitution of the Disestablished Church in Wales. He was Chairman of the Coal Commission in 1919.

⁸ The Osborne Morgan Burial Act (1880).

Part of my former constituency was called Mid-Glamorgan, the constituency of Sir Samuel T. Evans (1859-1918). He was the last QC to be appointed by Queen Victoria. He was Solicitor General, and in 1910 he became President of the Probate, Divorce and Admiralty Division. At that time, this was regarded as a bit of a backwater, but the accident of war gave him a forum to build an international reputation in the law of shipping as it appertained to prize money following the seizure of a ship. He is regarded as an international jurist of the first order and together with Sir Leoline Jenkins, another Welshman, and Lord Stowell, he ranks as one of the principal builders of British Prize Law for captured shipping.

I now make a diversion to refer to Sir Leoline Jenkins (1625-1685), who, when a law teacher at Oxford, was regarded 'as an oracle on all questions of law'. He became president of the High Court of Admiralty, and was conscientious and incorruptible. When he was at the French Court, an inquisitive courtier, not knowing from what country he came, asked for a specimen of his native language. The reply he received was the Welsh proverb 'nid wrth ei big y mae adnabod cyffyllog' (you can't tell a woodcock by its beak).

The twentieth century produced a constellation of distinguished Welsh lawyers. Sir Samuel Evans said: 'Precedents handed down from earlier days should be treated as guides to lead and not as shackles to bind'. He was able to adapt ancient legal principles to meet modern needs, and even neutral countries whose interests were adversely affected applied his decisions. There were many distinguished Welsh lawyer-administrators like Sir Alfred Thomas (1861-1949), who was Permanent Secretary of the Welsh Board of Education, who seems to have taken a rather restrictive view of any form of devolution. We should not forget Sir David Brynmor Jones, MP (1852-1921), an important member of the Welsh Land Commission, 1893. He took part in drafting the Charter of the University of Wales and resigned his seat to become a Master in Lunacy in 1914. Nor should we neglect to mention Sir Ellis Jones Ellis-Griffiths, (1860-1926), MP for Anglesey and Carmarthen in that order. He was notable for his sparkling wit and for his ability to coin a telling phrase, and as a Home Office Minister he played a prominent part in seeing through the Welsh Disestablishment Bill.

Thomas Peter Ellis (1873-1936) from Wrexham was one of many Welsh lawyers, like Sir Griffith Humphrey Pugh Evans of Lovesgrove (father of Cardiganshire's only holder of the VC) and Sir William Jones (1746-1794) who played their part in the Raj's administration of India. William Llewelyn

Williams, KC, MP, was Leader of the South Wales Circuit; he was an antagonist of Lloyd George in the 1921 Cardiganshire's by-election, and he broke with him in 1916 over conscription. He had literary interests as an historian and delighted generations of children with 'Gwilym a Beni Bach'. He was one of the founders of Cymdeithas Dafydd ap Gwilym at Oxford. I.D. Hooson, poet par excellence and solicitor, whose day job was Receiver in Bankruptcy for Chester and North Wales, was a man of similar stamp. Both certainly had the 'plus factor'.

Some of you may just about recall Judge Sir Thomas Artemus Jones (1871-1943). I read of him first when I was a student, in the case of *Hulton v Jones*⁹ when he successfully sued *The Sunday Chronicle* regarding a humorous piece portraying an Artemus Jones, church warden from Peckham, gallivanting with a married woman at the motor festival in Dieppe. Unfortunately, there was a barrister called Artemus Jones, who was not a church warden, did not live in Peckham and had taken no part in a Dieppe motor festival. The House of Lords held it was immaterial that publishers did not intend to defame. Subsequently, a note was normally inserted in novels to the effect that the characters in them are fictitious. It is still the common law. As a judge in North Wales, Artemus Jones heard cases in Welsh, despite the prohibition in the Act of Union, and did much in announcements from the Bench and in articles and lectures in support of the Welsh language petition which secured the Welsh Language Act, 1941.

It would be curious if I did not mention our distinguished legal academics. At one time, many of the chairs in universities all over the kingdom were filled by Welshmen or someone trained in Wales. As well as Seaborne Davies, Glanville Williams, the great Cambridge academic, and Sir David Hughes Parry (1892-1973) stand out as either great lawyers or great teachers, or both. Glanville Williams was one of the great academic criminal lawyers of our time, frequently referred to by the highest courts in the land. Hughes Parry was a particularly distinguished chancery lawyer and a university administrator as Vice-Chancellor of London University. He chaired the committee which inquired into the legal status of the Welsh Language Act, and the report formed the basis of the Act which gave the language equal validity. Seaborne Davies was a renowned teacher and scholar, about whom many in this audience know far more than I could attempt to describe. But equal to them all in character and loveable notoriety around whom legends grew was Thomas Arthur Levi (1874-1975), Professor of Law at Aberystwyth University from 1901-1940 and one of the great teachers of law in the

⁹ *Hulton v Jones* (1908-1910): *All England Law Reports*, 29

kingdom, who believed that the teaching of law was more than 'breeding pettifogging solicitors to work up vexatious litigation'.

I am fortunate to know two current distinguished academics, Sir David Williams, formerly Vice-Chancellor, Cambridge University and Rouse Ball Professor of English Law, Cambridge and also Professor Gareth H. Jones, formerly Vice-Master, Trinity College Cambridge and Downing Professor of the Laws of England, Cambridge. I now turn to near contemporaries and I excuse myself from commenting on judges from Wales in the Court of Appeal, Sir Malcolm Pill, Sir Anthony Meurig Evans (now retired from the Court) and Sir John Thomas, Sir Maurice Kay, Sir Stephen Richards, Sir John Roch (recently retired), and another distinguished in so many ways, the late Sir Tasker Watkins, VC, formerly Deputy Lord Chief Justice. However, I may be allowed to say about Stephen Richards that as a Minister, I had the unique experience of working with both him and his father. When I was Attorney General, Stephen was my Treasury Counsel (Common Law), and his father was both my Chief Vet and Chief Agricultural Officer in turn when I was Secretary of State for Wales. In the same vein, I do not mention recent law officers, like Ungeod-Thomas, later a Chancery High Court Judge, Geoffrey Howe, Gareth Williams or High Court Judges, like Sir William Mars Jones, or Sir Roderick Evans, Sir Ronald Waterhouse, and Sir Raymond Phillips.

I had the privilege of sitting in Cabinet with Lord Elwyn Jones when he was Lord Chancellor. He used to pass me notes in Welsh, not always complimentary on the subject or colleagues. He was one of the prosecutors at Nuremberg, later Attorney General and Lord Chancellor. He believed legal aid to the less advantageous was sacrosanct and that old offences should be 'spent' as the offender's debt had been paid to society; that is, they should no longer be referred to, or held against a person. When he was Attorney General, Harold Wilson took him with him to HMS Fearless to negotiate with Ian Smith, Prime Minister of Rhodesia. This was breaking new ground for any Attorney General, and he told me he went to Lord Chancellor Gardner for guidance. All Gardner told him was that he would be 'the conscience of the Labour Party', a precept that was only of limited assistance in the negotiations.

There remain three others, Lord Edmund-Davies, Lord Morris of Borth-y-Gest and Lord Atkin of Aberdovey. Lord Edmund-Davies was remembered by the public for having handed down sentences exceeding thirty years for the Great Train Robbery at Aylesbury, as a deterrent and as retribution, and to ensure the robbers should not enjoy the benefits of their deeds. He regarded himself as a civil lawyer, with an enormous expertise in coal mining cases, but

he certainly hit the headlines in many criminal cases, particularly his defence of widow Roberts of Talsarnau, accused of poisoning her husband, which attracted a great deal of publicity at the time. His elevation to the High Court was swiftly followed to the Court of Appeal and to the House of Lords. He was called away to conduct many public inquiries, and particularly commended for his sensitive handling of the Aberfan Inquiry. One of his earliest cases was defending Mr D. J. Williams, one of the defendants with Mr Saunders Lewis and Mr Lewis Valentine in the Tân yn Llyn case. He related his elation as a young and industrious thirty-year-old when he hit on what he thought was an arguable legal ground for attacking the validity of the indictment. All three defendants declined to rely on his 'legal technicality' (as they put it). When he later enquired of Mr Saunders Lewis whether he might disclose this matter, he courteously agreed and added, 'My recollection is that we were afraid you might get us off, which would have been very awkward'.

Many of you will particularly remember Lord Morris of Borth-y-Gest with his unflinching courtesy, devotion to duty and unsparing readiness to serve the public interest. I was grateful to him for speaking in Bangor in the first ill-fated devolution campaign, a few months before his death, when it was not exactly a popular thing to do. Apart from his vigilance in protecting the individual from the executive, it is the felicity of his English that I most admire. Let me quote his description of self-defence, still used daily in our courts, and so far cannot be improved:

If there has been an attack so that defence is reasonably necessary, it will be recognised that a person defending himself cannot weigh to a nicety the exact measure of his necessary defensive action. If the jury thought that in a moment of unexpected anguish a person...attacked had only done what he honestly and instinctively thought necessary that would be the most potent evidence that only a reasonable defensive action had been taken.¹⁰

I now come to the last of my legal luminae, though last certainly not the least: James Richard Atkin, 1867-1944, Baron Atkin of Aberdovey. His father was an Irishman who had sailed to Australia shortly after his marriage; his mother, Mary Elizabeth, was from Merioneth. When his father died, the family returned to Wales and Atkin grew up from the age of 3_ in Pant Lludw, his grandparents' beloved home above the Dyfi. He always thought of himself as a Welshman. After 15 years on the Bench, he was elevated to the House of

¹⁰ Palmer v R. (1971): *All England Law Reports*, 1077 at 1099.

Lords. He will go down in legal history for defining the law of negligence in Biblical terms. The *Donoghue v Stevenson* case¹¹ involved a decomposing snail in a ginger beer bottle, and a definition was needed on the responsibility of the manufacturer:

The rule that you must love your neighbour becomes in law, you must not injure your neighbour, and the lawyer's question, 'who is my neighbour?' receives in law a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour.

This has become one of the most celebrated judicial expressions ever formulated. For some time before, he had been developing in his mind the idea that English law had always ingrained in it a moral teaching, and he said in a lecture which he gave six months before the decision in the case:

The idea of law is that the obligations of a man are to keep his word. If he swears to his neighbour, he is not to disappoint him. In other words, he is to keep his contracts... He is not to injure his neighbour by acts of negligence; and that certainly covers a very large field of law. I doubt whether the whole of the law of tort could not be comprised in the golden maxim to do unto your neighbour as you would that he should do unto you.

But it is the wartime case of *Liversidge v Anderson* (1942)¹² for which he will be remembered by all who value freedom. The Home Secretary had declined to give reasons for the detention of Liversidge under the wartime Regulation 18(b). He challenged the majority view 'if the Secretary of State has reasonable cause to believe' imposed merely a subjective test. Atkin said:

in this country, amid the clash of arms, the laws are not silent. They may be changed, but they speak the same language in war and peace. It has always been one of the pillars of freedom, one of the principles of liberty for which on recent authority we are now fighting, that judges are no respecters of persons and stand between the subject and any attempted encroachment on his liberty by the executive, alert to see any coercive action is justified in law. In this case, I have listened to arguments, which might have acceptably been addressed to the court of King's Bench at the time of Charles I. I protest, even if I do it alone, against a strained construction put on words with the effect of giving an uncontrolled power of imprisonment to the Minister.

¹¹ *Donoghue v Stevenson* (1932) *Appeal Cases*, AC, 562.

¹² *Liversidge v Anderson* *Appeal Cases (A.C.) House of Lords*, 206

Atkin employed language which was strong and emotive and included a quotation from *Alice Through the Looking Glass*, designed to pour scorn on the opposing views: ‘...“when I use a word”, Humpty Dumpty said, in rather a scornful tone, “it means just what I chose it to mean, neither more nor less”’. In the Court of five Law Lords, Atkin was a minority of one.

In his Cardiff lecture, Edmund-Davies, in words I well recall, said ‘that after the judgement, none of the other Law Lords would speak to Atkin again’. Edmund-Davies had heard this from Atkin’s widow while travelling as a young barrister on a train in north Wales. They do not appear in the printed version. But there is some corroboration in the *Oxford Dictionary of National Biography* that Lord Chancellor Simon was offended and Lord Maugham, who had presided at the hearing, was foolish enough to write to *The Times*. Atkin declined to join in the matter, saying simply he ‘did not intend to discuss any judgement publicly once it had been delivered’. Lord Reid said in 1964: ‘for my part the time has come to acknowledge openly that the majority of the Lords in *Liversidge v Anderson* were expediently, and at the time perhaps, exclusively wrong and the dissenting speech of Lord Atkin was right’. Lord Bingham, the senior Law Lord, in a recent lecture at Atkin’s old school, Christchurch, Brecon, said his judgment had been triumphantly vindicated. Lord Atkin was Edmund-Davies’ other judge whom he particularly admired. He believed him to be a flawless judge, and was proud that he had taken the title of Atkin of Aberdovey. In Lord Denning’s phrase, ‘He was a progressive within the law’.

I am conscious of how incomplete my survey is. I make no apology about concentrating on two particularly glorious periods during which we have bred great Welsh lawyers. We are a small nation, but we have excelled, particularly in our doctors and lawyers. They have achieved great fame, though I have only mentioned those who won ‘the glittering prizes’. There are hundreds of others at every level in the legal profession who have served their nation well. They did their work competently and professionally and many, many of these had the plus factor too. In their own society they have been its pillars, and we should bask in the glory that they reflect on us.