Crown Office Warrants & Patents

Lord of Appeal in Ordinary

Hon. Sir Augustus Andrews
Uthwatt

Lords, his decision at least makes it unnecessary to choose a new Master of the Rolls.

On the other hand it makes it urgently necessary to choose a successor to Russell. His successor must be a Chancery man. In Wilfrid Greene's view, and in my own, the right man to succeed Russell is not Lord Justice Morton but Uthwatt.

If you agree, it makes it necessary to consider whether it wo ld not be wise to hold up the promotion of Uthwatt to the Court of Appeal with a view to his being appointed to the Lords in succession to Russell.

I am aware that the arrangements for Uthwatt's appointment as a Lord Justice have reached an advanced stage and that if you prefer to adopt my suggestion it would involve explaining matte s to The King and perhaps to Uthwatt. I am exceedingly sorry for the inconvenience which my intervention at this stage must give all concerned, but Wilfrid Greene's change of mind leaves me no alternative.

Napier, on my behalf, has asked Devir that the proceedings for Uthwatt's appointment should be held up until I had the opportunity of writing this litter. I feel sure that you will understand the difficulty. Indeed you may welcome a chance of escaping from what might otherwise have been the necessity of recommending the promotion of Uthwatt to the Lords within a few days or weeks after his appointment as a Lord Justice, and perhaps before he had sat as a Lord Justice in the Court of Appeal.

I propose to warn Uthwatt's successor that his appointment also may be delayed till after the New Year. It would in any case be i possible for him to be appointed

before Friday the 21st December as he has a brief in an important Indian Appeal before the Judicial Committee. The case will not be finished till Thursday.

If you adopt the suggestions which I have ventured to make with regard to Uthwatt, his appointment as a Lord of Appeal could, I think, be conveniently completed during the first two or three weeks of January. The Lords will begin sitting judicially on Friday the 11th January, and if Uthwatt's appointment were not through by then, we could manage for a short time either by borrowing the services of Wilfrid Greene or otherwise.

I should be grateful for an early reply so that I can arrange definitely one way or the other with regard to the timing of the appointment of Uthwatt's successor.

The Right Honourable
Clement R. Attlee, C.H., M.P.

Uthwatt

10, Downing Street,
Whitehall.

21st December, 1945.

My dear Napier,

You spoke to me about the resignation of Lord Russell of Killowen. I now write to say that the Prime Minister has received a letter from him and is informing the King that he is going to retire.

Perhaps you would let me know definitely whether the Lord Chancellor wishes to recommend Mr. Justice Uthwatt's name for the resulting vacancy.

Yours sincerely,

Anthony Bevin

The Hon. Sir Albert Napier, K.C.B.
Crown Office.

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Office of a Lord of Appeal in Ordinary
and title of Baron Uthwatt of Lathbury

of Your Majesty's High Court of Justice of the Office
with the dignity of a Baron for life by the style and title
in Your Majesty's County of Buckingham

G.R.

Uthwatt

NOTE.

I lunched with Uthwatt on the 19th December. I told him that the letter was on its way to him from Downing Street, telling him that his appointment as a Lord Justice was going to be held up and suggested that he should get in touch with the Lord Chancellor as regards the reason. I told him that I represented the Lord Chancellor for the purpose of that letter, and I said that Greene had changed his mind and now wanted to remain Master of the Rolls; that Russell had not yet resigned but was expected to do so and that when he did so, the question of his successor would have to be considered. If Uthwatt were appointed to the Court of Appeal now it might rule him out of consideration and neither the Lord Chancellor nor the Prime Minister wanted their choice to be fettered in that way. The King's permission had therefore been obtained to holding up his appointment to a Lord Justiceship and he would not hear further till it was decided what course was to be taken with regard to Lord Russell.

Uthwatt rang me up on the 20th to say that he had received a letter from Downing Street and he said that he had already got in touch with the Lord Chancellor in his talk with me on the day before. I agreed.

A.R.M.

21st December, 1945.

of Your Majesty's High Court of Justice of the Office of a Lord of Appeal in Ordinary with the dignity of a Baron for life by the style and title of Baron Uthwatt of Lathbury in Your Majesty's County of Buckingham

Uthwatt

22nd December, 1945.

My dear Bevir,

Thank you for your letter of the 21st December with regard to the resignation of Lord Russell of Killowen. I have mentioned the matter again to the Lord Chancellor and he has authorised me to tell you definitely that he still wishes to recommend Mr. Justice Uthwatt for the resulting vacancy.

Yours sincerely,

ara

Anthony Bevir, Esq., C.B.E.

unto Sir Augustus Andrewes Uthwatt one of the Justices of Your Majesty's High Court of Justice of the Office of a Lord of Appeal in Ordinary with the dignity of a Baron for life by the style and title of Baron Uthwatt of Lathbury in Your Majesty's County of Buckingham

9th January, 1946.

Mr. Gray.

Mr. Justice Uthwatt has been appointed as Lord of Appeal in Ordinary and Mr. Ronald Francis Roxburgh, K.C. has been appointed a Judge of the High Court of Justice Chancery Division as from the 9th day of January, 1946.

B.C. Gray, Esq.,

unto Sir Augustus Andrews Uthwatt one of the Justices of Your Majesty's High Court of Justice of the Office of a Lord of Appeal in Ordinary with the dignity of a Baron for life by the style and title of Baron Uthwatt of Lathbury in Your Majesty's County of Buckingham

George the Sixth by the Grace of God of Great Britain Ireland and the British Dominions beyond the Seas King Defender of the Faith

To all to whom these Presents shall come Greeting Whereas Our right trusty and well beloved Counsellor Frank ~~Russell~~ Baron Russell of Killowen has resigned his Office of a Lord of Appeal in Ordinary and the same is now vacant Now Know Ye that We of Our especial grace have in pursuance of the Appellate Jurisdiction Act 1876 as amended by subsequent enactments Nominated and Appointed and by these Presents Do Nominate and Appoint Our trusty and well beloved SIR AUGUSTUS ANDREWES UTHWATT Knight one of the Justices of Our High Court of Justice to be a LORD OF APPEAL IN ORDINARY by the style of BARON UTHWATT of Lathbury in Our County of Buckingham To hold the said Office so long as he shall well behave himself therein subject to the provisions in the said Act mentioned with all wages profits privileges rank and precedence whatsoever to the said Office belonging or in anywise appertaining and to hold the said style of Baron Uthwatt unto him the said Sir Augustus Andrewes Uthwatt during his life In Witness whereof We have caused these Our Letters to be made Patent Witness Ourself at Westminster the ninth day of January in the tenth year of Our Reign.

~~In Witness &c.~~ ~~Witness &c.~~

BY THE KING HIMSELF

Napier

unto Sir Augustus Andrewes Uthwatt one of the Justices of Your Majesty's High Court of Justice of the Office of a Lord of Appeal in Ordinary with the dignity of a Baron for life by the style and title of Baron Uthwatt of Lathbury in Your Majesty's County of Buckingham

The Lord Chancellor's Office,

House of Lords,

S.W.1.

8th January, 1946.

Lord Russell of Killowen has retired from the office of Lord of Appeal in Ordinary and the King has been pleased to approve the appointment of the Honourable Mr. Justice Uthwatt in his place. The King has been further pleased to approve the appointment of Mr. Ronald Francis Roxburgh, K.C., to succeed Mr. Justice Uthwatt as a Judge of the High Court of Justice, Chancery Division.

[For publication not before ~~Tuesday~~ Wednesday morning]

Sent to:- The Times.
The C entral News Ltd.
The Press Association.
The Exchange Telegraph Co.Ltd.
The B.B.C.

Appt by Miss Somers

Sir Albert Lane Lech.
Mr Bailey
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10, Downing Street,
Whitehall.

9th January, 1946.

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The Private Secretary to the Clerk of the Crown in Chancery.

Sir Albert Lane cccn.
✓ th

R. Lyley

10, Downing Street,
Whitehall.

9th January, 1946.

Dear Sir,

The King having been pleased to approve that Sir Augustus Andrewes Uthwatt, Knight, a Justice of the High Court of Justice, be created a Lord of Appeal in Ordinary under the provisions of "The Appellate Jurisdiction Act, 1876" as amended by any subsequent enactment, with the dignity of a Baron for life by the style and title of BARON UTHWATT, of Lathbury in the County of Buckingham, I am desired by the Prime Minister to request that the necessary steps may be taken to give effect to His Majesty's commands.

Yours faithfully,

Anthony Bevin

The Private Secretary to the Clerk of the Crown
in Chancery.

G.R.

CROWN OFFICE PROCEDURE

DOCUMENT: LORD OF APPEAL IN ORDINARY

FEE ..... £ : :

	Date 1946
Instructions received from	Jan.
~~Wrote for Fee~~	
Fee ~~received~~	
Warrant sent to The King	
Warrant signed ✓ and received	7
Copy of Warrant sent to Gratz Hewitt	✓
Letters Patent engrossed on {~~small~~ / ~~large~~} {~~loan~~ / parchment} Brilliant	7
Letters Patent dated 9 Jan and great sealed	✓
Writ prepared dated do, and sealed	✓
~~Letters Patent sent in ..... to~~	
Gazette Notice sent	9
Warrant sent to L.C. for "recepi"	9
Warrant returned	✓

RECORDS

~~Call Book.~~

Docquet Book. ✓

~~Presentations Docquet Book.~~

Privy Council List.

Card Index. ✓

General Election Writ. ✓

INFORMED:

✓ Treasury

D 43978-1 250 D/d 28 8/44

of the other two Divisions. The King's Bench is in temporary need owing to the prospective appointment of Singleton to the Palestine Tribunal and to the fact that Asquith is ~~not yet free of~~ still among the source of this affidavit to the Commission on Equal Pay. // The need for strengthening the Divorce Division will be very great, but it is still in the future.

There are still two vacancies among the

to avoid sitting in the Courts. This comm. finished its sittings a long time ago: & I hear to W the L C J that in my view he might be persuaded on Asquith to resume his judicial duties. If only the L C J were fit enough to take a more vigorous part in affairs this sort of thing wd not take place

LAND GOVERNMENT OFFICES.

App^d GRI

The Lord Chancellor, with his humble duty to Your Majesty, submits for Your Majesty's signature, if you shall so please, a Warrant appointing the Honourable Sir Augustus Andrewes Uthwatt, one of the Justices of Your Majesty's High Court of Justice, to be a Lord of Appeal in Ordinary.

Simon C

House of Lords,

January, 1946.

LAND GOVERNMENT OFFICES,
4IB, STRAND,
N. W. C. 2.

OFFICE, 62/6

9th January, 1946. January, 1946.

The KING has been pleased by Letters Patent under the Great Seal bearing date the 9th Day of January, 1946 to appoint the Honourable Sir Augustus Andrewes Uthwatt, one of the Justices of the High Court of Justice to be a Lord of Appeal in Ordinary under the provisions of the Appellate Jurisdiction Act, 1876, as amended by subsequent enactments, and to grant to him the dignity of a Baron for life by the style and title of Baron Uthwatt, of Lathbury in the County of Buckingham

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of January, 1946
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Lord Uthwatt at the
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January, 1946.

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The Superintendent
London Gazette,

H.M. Treasury.

LAND GOVERNMENT OFFICES,
415, STRAND,
N. W. C. 2.

CROWN OFFICE, 62/16

9th January, 1946.

Sir,

I am directed by the Lord Chancellor to inform the Lords Commissioners of His Majesty's Treasury that Letters Patent dated the 9th day of January, 1946 have been passed under the Great Seal granting to the Honourable Mr. Justice Uthwatt the Office of a Lord ~~Justice~~ of Appeal in Ordinary with the title of Baron Uthwatt, of Lathbury in the County of Buckingham.

I am to ask if Their Lordships will be good enough to cause a charge to be made on the Consolidated Fund for payment of salary to Lord Uthwatt at the rate authorised by the Appellate Jurisdiction Act, 1876, as amended by any subsequent enactment, viz: £6,000 a year as from the 9th day of January, 1946.

I am Sir,
Your obedient Servant,

The Secretary,
H.M. Treasury.

ALAND GOVERNMENT OFFICES,
415, STRAND,
LONDON, W.C.2.

CROWN OFFICE,

9th January, 1946.

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I am Sir,
Your obedient Servant,

The Secretary,
H.M. Treasury.

ML

Any reply to this letter should be addressed to—

THE SECRETARY

Your Reference

Treasury Reference E.5126

M. Ridley

TREASURY CHAMBERS,
GREAT GEORGE STREET,
LONDON, S.W.1.

16 January, 1946.

My Lord,

In reply to Mr. Ridley's letter of the 9th January, 1946, I am directed by the Lords Commissioners of His Majesty's Treasury to inform your Lordship that They have caused a Charge to be made on the Consolidated Fund for payment of salary at the rate of six thousand pounds a year as from the 9th January, 1946, inclusive, to the Right Honourable Baron Uthwatt of Lathbury on his appointment to the office of a Lord of Appeal in Ordinary.

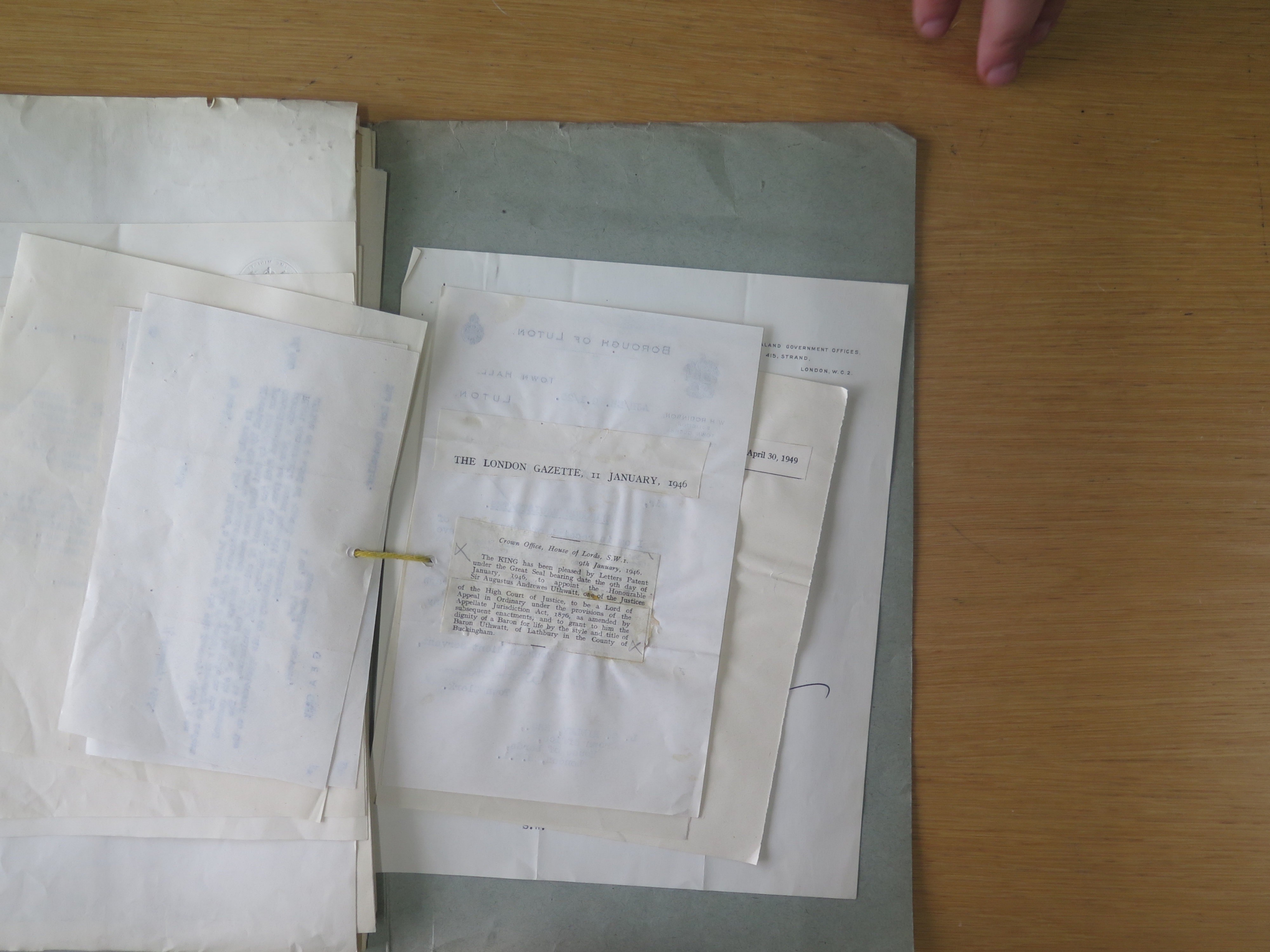
£6,000

I am, My Lord,
Your obedient Servant,

E. E. A. Grey

The Lord Chancellor.

RSL



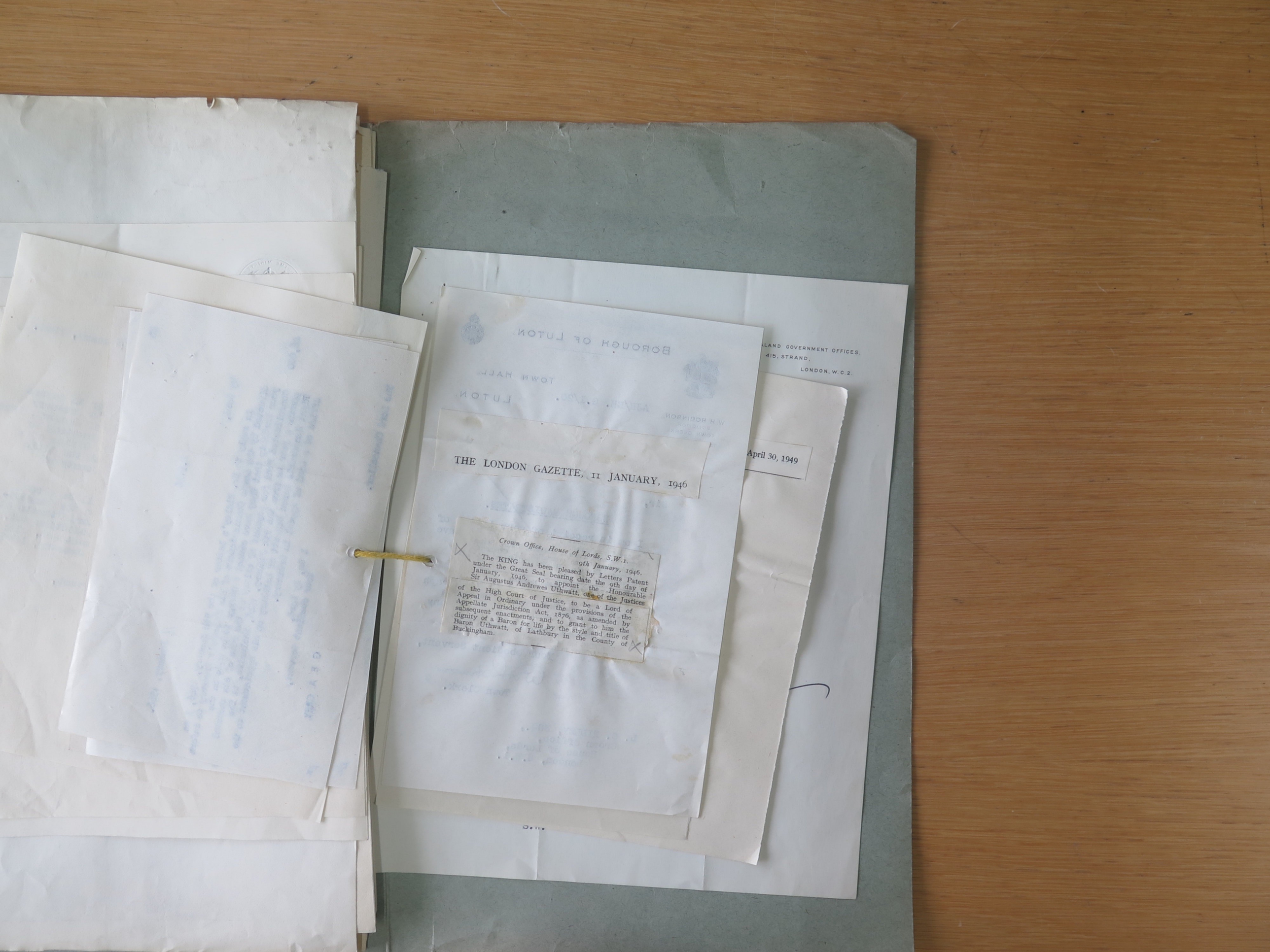
LAND GOVERNMENT OFFICES,
415, STRAND,
LONDON, W.C.2.

April 30, 1949

THE LONDON GAZETTE, 11 JANUARY, 1946

Crown Office, House of Lords, S.W.1.
9th January, 1946.

The KING has been pleased by Letters Patent under the Great Seal bearing date the 9th day of January, 1946, to appoint the Honourable Sir Augustus Andrewes Uthwatt, one of the Justices of the High Court of Justice, to be a Lord of Appeal in Ordinary under the provisions of the Appellate Jurisdiction Act, 1876, as amended by subsequent enactments, and to grant to him the dignity of a Baron for life by the style and title of Baron Uthwatt, of Lathbury in the County of Buckingham.



LAND GOVERNMENT OFFICES,
415, STRAND,
LONDON, W.C.2.

April 30, 1949

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BOROUGH OF LUTON.

W. H. ROBINSON,
SOLICITOR,
TOWN CLERK.
TELEPHONE 2800.

TOWN HALL,
AJH/EH. G.I/20.
LUTON.

1st January, 1943.

Sir,

BOROUGH MAGISTRATES.

I am in receipt of your letter of the 31st December, and in reply have to inform you that no Magistrates have qualified or died during the past year.

With regard to the final paragraph of your letter, there has not been any change of name in respect of any of the women magistrates.

I am, Sir,
Your obedient Servant,

W. H. Robinson
Town Clerk.

L. C. RIDLEY, ESQ.,
Crown Office,
House of Lords,
London, S.W.1.

EALAND GOVERNMENT OFFICES,
415, STRAND,
LONDON, W.C.2.

62/16

The Times
9 Jan 1946

April 30, 1949

NEW LORD OF APPEAL IN ORDINARY

MR. JUSTICE UTHWATT

Lord Russell of Killowen has retired from the office of Lord of Appeal in Ordinary and the King has approved the appointment of Mr. Justice Uthwatt in his place. The King has also approved the appointment of Mr. Ronald Francis Roxburgh, K.C., to succeed Mr. Justice Uthwatt as a Judge of the High Court of Justice, Chancery Division.

Mr. Justice Uthwatt's elevation to the House of Lords is another of those cases where promotion has been made direct from the High Court Bench and not by way of the Court of Appeal, although he has often sat to fill a temporary vacancy in that court. The retirement of Lord Russell of Killowen will be regretted by the legal profession. He was appointed as Lord of Appeal in 1929 and has filled the office with distinction.

I N N E R T E M P L E

Agenda for Tuesday, the 15th of January 1946,
at 4.15 p.m. in the Niblett Hall

At the Bench Table

Minutes.

The Treasurer to announce that a vacancy has occurred in the list of Benchers owing to the appointment of Master J.W. Morris as a Judge of the High Court, and that four other vacancies exist owing to the retirement of Benchers under Table Order 4A.

Application by M. Henri Leonold Dor, a French national, for admission as a student under Consolidated Regulation 2A.

Applications by Messrs. W.G. Macgregor and J.D. Penn-

NEW ZEALAND GOVERNMENT OFFICES,

W.C.2.

THE SOLICITORS' JOURNAL April 30, 1949

Lord Uthwatt

To have given his name to and to have been the guiding genius in producing a monumental work such as the Report on Compensation and Betterment, and to have seen its fruition in the Town and Country Planning Act, all in the last ten years of a life of achievement—that was the destiny of Lord UTHWATT, who died at the age of seventy on 23rd April. Born in Australia, he was educated at Ballarat College, Victoria, and Balliol College, Oxford, where he obtained the B.C.L. degree. In 1904 he was called to the Bar and became Vinerian scholar. His judicial career commenced in 1941 while a member of the junior Bar, when he was appointed a judge of the Chancery Division, and he became a Lord of Appeal in Ordinary in 1946. Lord Uthwatt was a man of wide sympathies as well as profound learning. Those who came before him in court left with the conviction that his was an intellect of the highest order with the quick and sure judgment of a master of his craft. His passing is a serious loss to the Commonwealth.

House of Lords,
S.W. 1.

HIGH COMMISSIONER
FOR NEW ZEALAND.

NEW ZEALAND GOVERNMENT OFFICES,
415, STRAND,
LONDON, W.C.2.

2nd May, 1949.

My dear Lord Chancellor,

I have received to-day a telegram from Sir Humphrey O'Leary, Chief Justice of New Zealand, requesting me to transmit the following message to you:-

> "Members of New Zealand Judiciary are grieved to learn of deaths of Lords Uthwatt and du Parcq, and respectfully tender sympathy to their colleagues and relatives."

Yours sincerely,

The Rt. Hon. Viscount Jowitt,
Lord Chancellor,
House of Lords,
S.W. 1.

G.R.

DRAFT

A.E.A.N.

3 Dec.45

I have thought further over the question who should be promoted to fill the last (the eighth) vacancy among the ordinary Judges of the Court of Appeal. On reflection I have definitely come to the conclusion that ~~I am now prepared to agree with the view you were inclined to prefer, namely that~~ the best person to promote on this occasion would be Uthwatt. ~~If~~ If the present vacancy were to be filled by a King's Bench Judge, Morton would be the only Chancery Judge in the Court of Appeal, except the Master of the Rolls himself, who ~~will, I hope~~ may perhaps, come to the Lords in January. If Uthwatt is appointed now, there will be at least two Chancery Judges in the Court of Appeal, apart from the Master of the Rolls. That is really the minimum required. Indeed the Master of the Rolls takes the view that when the Court of Appeal again sits in three Divisions, it is desirable that there should be three Chancery Judges among their number. In my view therefore, ~~as in yours~~, the best course would be to promote Uthwatt now.

Uthwatt will have to be replaced by the appointment of a new Judge from the Chancery Bar, as five is the minimum required there by Statute, and no Judge of any other Division has the necessary qualifications for a transfer to the Chancery Division.

That leaves me with the problem of the appointment of enough Judges to supply the needs of the other two Divisions. The King's Bench is in temporary need owing to the prospective appointment of Singleton to the Palestine Tribunal and to the fact that Asquith is ~~not yet free of~~ still using the excuse of his attachment to the Commission on Equal Pay. // The need for strengthening the Divorce Division will be very great, but it is still in the future.

There are still two vacancies among the

Oh/ merits there can't think be no doubt whatever that Uthwatt is a better lawyer than any of the other possible candidates & with his very great experience & concern's cases was attracted by the idea of appointing a K.B. Judge which in relieving the congestion would free a Division, but [illegible]

taking evidence

to avoid sitting in the Courts. This comm. finished its sittings a long time ago: & I have told the L.C.J that in my view he ought to persuade Mr Asquith to resume his judicial duties. If only the L.C.J was fit enough to take a more vigorous part in affairs this sort of thing wd not take place

puisne Judges which can be filled without legislation, and I propose to fill one immediately by the appointment of somebody who, to begin with at any rate, will replace Singleton in the King's Bench Division, and to reserve the other till a new appointment is needed in the Divorce Division.

If therefore you tell me you are prepared to recommend Uthwatt for the Court of Appeal, I will go ahead with the appointment of two puisne judges, one to the Chancery Division and one to the King's Bench, so as to get these appointments through simultaneously and before Christmas.

Russell of Killowen will no doubt be sending you his resignation soon to take effect on the 5th January. (He is writing his judgment in the Thetis case). On the assumption that Greene is to succeed him, I should welcome a further discussion with you on the question who should succeed Greene as Master of the Rolls.

at same convenient time

3rd December, 1945.

I have thought further over the question who should be promoted to fill the last (the eighth) vacancy among the ordinary Judges of the Court of Appeal. On reflection I have definitely come to the conclusion that the best person to promote on this occasion would be Uthwatt. On individual merits there can, I think, be no doubt whatever that Uthwatt is a better lawyer than any of the other possible candidates, and in this view Greene, M.R. concurs. I confess I was attracted by the idea of appointing a King's Bench Judge to help in relieving the congestion in that Division, but if the present vacancy were to be filled by a King's Bench Judge, Morton would be the only Chancery Judge in the Court of Appeal, except the Master of the Rolls himself, who may perhaps come to the Lords in January. If Uthwatt is appointed now, there will be at least two Chancery Judges in the Court of Appeal, apart from the Master of the Rolls. That is really the minimum required. Indeed the Master of the Rolls takes the view that when the Court of Appeal again sits in three Divisions, it is desirable that there should be three Chancery Judges among their number. In my view therefore, the best course would be to promote Uthwatt now.

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The need for strengthening the Divorce Division will be very great, but it is still in the future.

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and before Christmas.

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The Right Honourable
Clement R. Attlee, M.P., M.P.

17th December, 1945.

10, Downing Street,
Whitehall.
12 December, 1945

my dear Bill

Thank you for your letter of 3 December. I am prepared to recommend Uthwatt for the Court of Appeal, which I appreciate will necessitate certain recommendations for puisne Judgeships on your part.

I note that if Russell of Killowen resigns, you will wish to speak to me about the consequent appointments.

Yours
Clem

The Right Hon. Lord Jowitt,

am exceedingly glad that he has completely recovered and while I am very sorry that he could not come to the

17th December, 1945.

I am afraid I must ask you to consider urgently a change of plan with regard to judicial appointments.

You will remember that in my letter of the 19th November I told you that Russell of Killowen intended to resign on the 5th January and that Wilfrid Greene, who previously was not willing to leave his post as Master of the Rolls, would be willing to succeed Russell if the position were offered to him.

Russell wrote to me on the 30th November saying that he was confined to bed, was writing his judgment in the Thetis case and would send you his resignation "in good time to be sure that the ranks are filled before next term begins".

In my letter to you of the 3rd December, suggesting that Uthwatt be promoted to the Court of Appeal now, I pointed out that if this were done there would be at least two Chancery Judges in the Court of Appeal apart from the Master of the Rolls. I had in mind that if Wilfrid Greene succeeded Russell you would not be confined to the Chancery Bench and Bar in choosing a successor to Greene but could, if you thought fit, choose a Master of the Rolls from the King's Bench or the common law Bar.

Wilfrid Greene has now changed his mind. The specialist has given him a clean bill of health and he now wishes to retain his office as Master of the Rolls. I am exceedingly glad that he has completely recovered and while I am very sorry that he should not come to the

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