

## The High Court: My Reminiscences

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When I joined the High Court, it was presided over by Sri Henry Richards, who had succeeded Sir John Stanley. Sir John came here from Calcutta after the death of Sir Arthur Strachey. The Puisne Judges were Sir George Knox, Sir P. C. Banerji, Sir William Tudball, Sir Mohammad Rafiq, Sri Theodore Piggot and Sir Cecil Walsh. They were all very able; some were even great names. It required gifts of a high order for anyone to make his mark in this galaxy, but Sir Henry soon distinguished himself.

Sir Henry joined the Allahabad High Court in 1905 after the retirement of Mr. Justice, and later Sir Henry Blair. He soon picked up almost every branch of the law, not excluding that most technical of all technical laws, the U. P. Tenancy Act, as also the U. P. Land Revenue Act. Those were the days when almost everyone stumbled over the rival jurisdiction of the Civil and Revenue Courts and over Section 233 (K) of the Land Revenue Act, the provision about the Partition and Union of *Mahals*. But, it was given to him to explain its true meaning in the Full Bench case of *Shambhoo vs. Daljit*, A. I. R. 1916 All. 293.

A word about Strachey and Stanley will not be out of place. I never saw them, but they had left "footprints on the sands of time". Their decisions were frequently cited. Indeed, through their Judgments and their great traditions, the memories of Sir Comer Patheram, Sir Robert Stuart, Sir Charles Turner, Sir John Edge, Sir Arthur Strachey and Sir John Stanley are fresh in our minds. Stuart is ancient history, beyond my ken and I have no intentions to delve into it. Patheram and Turner went as Chief Justices to Calcutta and Madras. Edge was elevated to the Judicial Committee after retirement. Strachey died a premature death. Sir John Stanley retired in 1911 after serving his full term as Chief Justice.

A word of tribute to that august body, even today, may not be out of place. Truly it was the palladium of justice, untouched and unaffected by passion and prejudice. The recent case of the African *Kabaka* and the well known *Tai Maharaj* case of Bombay, 42 I. A. 135 will bear ample testimony to it. It is a matter of pride to this country that it gave to that distinguished body a most brilliant and erudite Indian. Sir Syed Ameer Ali rose to the full height of its traditions. It is also remarkable that some of his best judgments, which have become classics, are on some of the most intricate questions of Hindu Law-Budha Singh vs. Lattu Singh, 42 I.A. 208; Vidya Varati vs. Beluswami, 4 I.A. 302. Vidya Varati has become almost a legend.

I would like to say a few words about Strachey. The legal world particularly Indian opinion will not agree with him when, presiding over the first Tilak trial, he gave an extended meaning to Section 124 (A) of the Indian Penal Code, but that should not prevent us from giving him the meed of praise which is his due. He was a most successful Government Advocate before his translation to Bombay, equally at home both in civil and criminal cases. As the Chief Justice, he was an outstanding success. That gifted lawyer and author of marvellous memory, Satya Chander Mukerji, recited numerous anecdotes of his unflinching courtesy and inexhaustible patience on the Bench.

Sir John Stanley, before he came here, was a Puisne Judge at Calcutta. Stanley's are great names in English history and Sir John was the very embodiment of courtesy, dignity and kindness. He was the master of a style, chaste and elegant, with the unchecked flow of a placid stream. My father was full of admiration for him and always mentioned two incidents, which happened in the early days of his career. He filed an application for review in a second appeal decided by Sir John Stanley and Sir William Burdett. He had no practical experience and went only by what is contained in Order 47, Rule I of the Code of Civil Procedure. Sir William belonged to the class of Tyrrel, Knox, Aikman and later of Tudball, Piggott and Lindsay-familiar with every branch of the law. He was endowed with a keen intellect, but not with an affable temper. As soon as Father stood up he said "How have you filed it? There is no ground for review". Sir John at once assumed the reins and put it to Father:

"My dear Boy, how many grounds have you taken"

"Seven, my Lord".

"Don't mean to say that we have made seven mistakes in deciding this small second appeal!"

The court roared with laughter. Father sank in his seat and vowed never to file a review again.

There was yet another incident which reflects the highest credit on Sir John and the independence of the judiciary.

Once, on their way from Simla to Calcutta, Lord and Lady Curzon broke their journey at Allahabad. They decided to pay a visit to the High Court. On their arrival, the Registrar ushered the Viceroy and Vicerene in the court of the Chief Justice, sitting with Sir William Burdett. It was either Conlan or Colvin who was then addressing the court. The visitors sat behind the Judges. The Judges did not look back; the counsel continued his argument as before; the proceedings were not stopped, not even disturbed. When in the evening, they met at an "At Home" at the Mayo Hall, Sir John said "Your Excellency, you will appreciate, we represented the Crown at the moment; it would have been a disrespect to it if we had allowed the work of the Court to have been disturbed". "I quite appreciate it" replied the Viceroy very good humouredly.

To me personally Sir Henry Richards was extremely good and so was Sir P. C. Banerji. Father never saw a Judge at his house, but I persuaded him to take me to Sir Henry.

"Hullo! If your son had not brought you, you would never have come."

After that he turned to me and said, "I can place before you no higher ideal of professional rectitude, than that of your father. When he makes a statement at the Bar we accept it implicitly". Naturally, I felt proud and happy. The next day I was offered a pauper brief, then entirely the gift of the Chief Justice. I worked hard and thought I had a good case, but the learned Judges, Sir George Knox and Sir P. C. Banerji, repelled all my contentions and the sentence of death was confirmed. The accused was poor and I had a feeling that the necessary materials in his favour could not be brought on the record. I never accepted a pauper brief thereafter.

With Sir Promoda Charan Banerji, we had almost family relations. He was a Munsif at Azamgarh, when my great grandfather, Rai Bhagwan Prasad, was the Subordinate Judge there. Sir P. C. Banerji believed in old world courtesy and took very kindly to father, but specially so to me.

His affection for me was almost boundless, that had its own effect. But, when I saw his exalted character evoking not merely a feeling of respect but of veneration all round, my devotion to him became a chapter in romance. In later years, I had begun to look upon him as a Divinity, entitled to my unquestioning obedience.

A word or two about Sir Edward Chamier. He started life at Lucknow and, after some time, succeeded Sir Arthur Strachey as the Government Advocate. He went back to Lucknow as Judicial Commissioner and after serving in that office with great distinction, he returned to Allahabad as a puisne Judge. On the establishment of the High Court at Patna, consequent upon the creation of Bihar as a separate province, he was selected as its first Chief Justice. Commenting upon his elevation and translation to Patna, the Allahabad Law Journal observed:

"Once again, the Allahabad High Court may take pride in performing its allotted function of a nursery of Judges for other Courts. Madras has had two Chief Justices drawn from our Court. We gave Bombay a Chief Justice and a Judge. Calcutta, too has had a Chief Justice and two Judges from Allahabad and Punjab, too, still pining for a High Court, had a Judge from the Allahabad Bar, who subsequently rose to be the Chief Judge." (A. L. J. R. March, 1916 Notes p. 45).

After retirement he was appointed to the Council of the Secretary of State for India in London. In every office and every sphere he distinguished himself. It may not be known to many that Bombay owed its extremely popular Chief Justice, Sir John Beaumont, to Sir Edward. After leaving Bombay Sir John distinguished himself as a member of the Judicial Committee of the Privy Council.

It is, however, no reflection upon Sir Edward-views differ and nowhere is there such a marked difference as in the sphere of law that some of his outstanding judgments were upset by the Judicial Committee. I might refer to one-Mehdi Ali Khan vs. Mandir Das [I.L.R.34 All. 511 P. C.] which, for more reasons than one, had created a sensation in the legal world and also in high social circles at Lucknow.

In October, 1918, the corridors of the High Court, were ringing with the achievements of Sir Sunder Lal and that most polished advocate and master of English language, Mr. J. N. Chaudhari. To a class all his own belonged Dr. Satish Chandra Banerji, who deserves more than a passing notice. He was an erudite and profound lawyer who had learnt his early lessons in law at the feet of Syed Mahmood, an imperishable name in the legal world. He was probably the greatest Shakesporean of his time in India and was recognised as such even by Professor Dowden. The Universities of Allahabad and Calcutta do not record another instance of a student sitting for his B.A. at both the Universities the same year and securing a first class first with honours in English literature at both. History repeated itself the next year when he appeared for his M. A. at both. A distinction like this is unique in the annals of education anywhere in the world. Lord Lansdowne, the then Viceroy, as the Chancellor of the Calcutta University referred to his achievements in terms of the highest commendation.

Even great names and great events of history are not immune from the ravages of time, but the process of erosion could not obliterate the memory of Conlan, Colvin and Ram Prasad. Sir Tej Bahadur Sapru was never tired of telling us that they remained unrivalled at Allahabad and unsurpassed in India, or even outside. Father was also an enthusiastic admirer of Sir Walter Colvin and of Munshi Ram Prasad. From the latter he learnt his law and those high moral principles, the pursuit of which has invested the profession with a dignity all its own. After the premature death of Munshi Ram Prasad, most of the briefs came to father as he had worked in his chamber. The senior briefs mostly went to Sir Walter Colvin. He was struck by father's sublimity of character and his unremitting devotion to duty. He took father as his Junior in a number of out-station cases. He was an All-India figure and had a tremendous practice. As Sir Charles Ross Alston, in his own inimitable style, observed on his untimely death-

"Sir Walter Colvin was a man of uncommon merit and indefatigable energy. Today, he is arguing a heavy first appeal here: tomorrow he is prosecuting the murderer of Colonel Azim Uddin Khan of Rampur; a day after, he is defending an accused in Alwar. At the end of the week, he is conducting a heavy Civil Suit at Hyderabad. Back again, he is in the midst of a heavy Civil appeal. His uncommon talents were in request in every important case, Civil or Criminal, in both of which he was equally at home. He was at his best in a losing case. None knew better than he how to avoid the shoals and rocks in a losing case."

He was singularly free from racial prejudice. A few others notable among them M. Gokul Prasad, Dr. Tej Bahadur Sapru and Dr. Surendra Nath Sen, were also encouraged and supported by him.

The cream of the civil work was in the hands of Mr. B. E. O'Connor, Dr. Tej Bahadur Sapru and Dr. Surendra Nath Sen. Peare Lal Banerji, Iqbal Ahmad and Kailas Nath Katju came after, long after, them. Uma Shankar Bajpai was forging ahead. Munshi Gulzari Lal and Munshi Haribans Sahai had also good civil work, but they were fading out. Mr. Durga Charan Banerji, at one time, commanded a large practice, both civil and criminal, but he had virtually retired, though he continued to be the Secretary of what was then called the Vakils' Association. He gave his very best to that office and commanded the respect of

every member. Among those who also mattered were Mr. Nihal Chand, Dr. Agarwala, Mr. Aga Haider, Mr. Raza Ali and Mr. Lakshmi Narain, the son of Mr. Gobind Prasad. Mr. Nihal Chand had fairly good civil and criminal work from the Western districts of the Province. Dr. Agarwala had achieved great distinction as an author and scholar. He and Mr. Haribans Sahai were well known for their knowledge of the Tenancy Law. Aga Haider went to Lahore as a High Court Judge and Raza Ali, who later became Sir Raza Ali, was appointed a member of the Public Service Commission and then Agent to the Governor General in South Africa. Mr. Lakshmi Narain was doing very well, but he accepted a seat on the Bench of the Bikaner High Court.

On the criminal side the three most prominent names were C. C. Dillon, Sir Charles Ross Alston and Mr. Satya Chandra Mukerji. G. P. Boys and G. W. Dillon had fairly good practice. So had R. K. Sorabji, Howard and Hamilton. Mr. W. K. Porter was once the Assistant Government Advocate, and the Editor of the Allahabad Weekly Notes. He was a very well read gentleman, of scholarly habits.

Mr. C. C. Dillon, complete master of his brief, spoke the choicest language and always carried the Court by his gentle and most persuasive advocacy. Sir Charles Ross Alston, brilliant and ready witted, had the knack of going to the root of the case almost immediately. Within a few minutes and in a few words he could disentangle the skein even in a most complicated matter. Satya Chandra Mukerji had built an enormous criminal practice, both in the High Court and outside. Of Lord Morely it was said that "his straying into politics had not lost him to literature." Satya Chandra's "History of India under the British Crown" is a tribute to his scholarship.

Boys was known for his thoroughness. R. K. Sorabji, was also the Vice-Principal of the University School of Law. With the income at the Bar supplemented by income from these sources, they were happy and contented. So was Hamilton, with his modest income and extremely quiet disposition.

There were three Crown counsels, as they used to be called then. Mr. A. E. Ryves, the Government Advocate, Mr. R. Malcomson, Assistant Government Advocate and Mr. Lalit Mohan Banerji, the Government Pleader. Ryves, the very soul of honour and goodness, commanded universal affection and esteem. He was ably assisted by his two lieutenants.

G. W. Dillon, Gokul Prasad and S. K. Dar formed a class by themselves. G. W. Dillon had none of the elegance of his father, C. C. Dillon, nor his scholarship or his gentle persuasiveness. But he was lucid and forthright. He was at home both on the Civil and Criminal sides.

Mr. Gokul Prasad and Mr. S. K. Dar, belonged to the same class complete mastery of the brief, a keen analytical mind and enormous industry. The former was gentler, and more persuasive and always remained unruffled; Mr. Dar argued every case with the fervour of an evangelist. He almost lost his being in it.

I shall now come to three names, each of them formed a distinct class -Moti Lal Nehru, William Wallach and Shah Mohammad Sulaiman.

Moti Lal Nehru had become an All-India figure both in law and politics. Politically he vied with men like C. R. Das, Jinnah, S. Srinivas Iyenger and Hasan Imam. Sir Tej Bahadur Sapru and Sir Ali Imam belonged to a different school of thought. In the realm of law, his position was unique. There was no case of importance in the country, in which he did not appear. He was an all-rounder, a first rate draftsman, cross-examiner, case builder and an advocate.

I heard him in a few cases, but there is one to which I shall allude, because I had occasion to watch him at every stage. It was the Lakhna Raj case. His ultimate success before the Privy Council was a tribute to his original thinking. Sir George Rankin's Judgment, Narsing Rao VS. Mahalakshmi, 55 I. A. 180, is entirely based upon his line of argument. It might be mentioned that the legal world received the decision not without an element of surprise. It is, however, unnecessary to pursue the matter further. It was so again in the Kayastha Pathshala case, a case which had created a sensation in the educational world. Sir George Rankin accepted his line of reasoning, set aside the Judgment of the Allahabad High Court and held that the suit was wholly misconceived. (Kayastha Pathshala, Allahabad vs. Musammat Bhagwati Devi, 64 I. A. 5.) We received the news with a sigh of relief.

William Wallach used to be engaged by the Government. in almost every important case-Civil or Criminal. He was extremely popular among the Indians. One could see him, whenever he was free, sitting mostly in the Vakils' Association. He was a very popular social figure and had an open table. The junior members of the Bar engaged him frequently as a senior. He officiated as a Judge for a few months, after which he settled down in the Privy Council. He built up a large practice there. I once sent him a brief in 1929. The case involved a very important question of law-whether the principle of estoppel enshrined in Section 41 of the Transfer of Property Act had any application to a minor. The Allahabad High Court held, it had: the Privy Council held differently. (Shankar vs. Daoji, I. L. R. 53 All. 290: 58 I. A. 206.) He won the case and wrote to me a very affectionate letter making enquiry about my father and the other members of the Bar with whom his relations were particularly cordial.

I now, come to a very important name whose rise at the Bar was meteoric and whose reputation travelled all over the country. Dr. Sulaiman had a spark of genius. To one of the keenest intellects and a most extraordinary memory, he joined phenomenal industry. I knew him very intimately. Shortly after I joined the High Court, father, as I have said, retired from the profession. Almost all his briefs came to me and my appearance in the Court was frequent. Sir Henry Richards and Sir P. C. Banerji, as I have said above, and, later Sir Lal Gopal Mukerji, Were particularly kind to me. My teacher, Mr. Peare Lal Banerji, who had, by that time, built a very high reputation for his mastery both of law and language, was never tired of extolling me. Dr. Sulaiman, probably noticed all this and one day, when I was standing in the corridor, he came to me and said, "Will you care to hold my briefs" I was so overwhelmed by this unexpected kindness that with great difficulty I could say, "Yes". I had countless occasions to watch him and his

method of work. There was no case too complicated for him. There was no branch of the law with which he was not thoroughly familiar. He hardly prepared any notes and, however heavy the case and however complicated the facts, he forgot nothing and missed nothing. Within a few years of his joining the High Court he argued a heavy first appeal, raising several important questions of law, with such singular ability that he was openly complimented by Sir Henry Richards. Sir P. C. Banerji, who delivered the Judgment made a very appreciative reference to his argument (Ali Husain versus Fazal Husain, I. L. R. 36 All. 431.)

No wonder that the youthful looking lawyer who joined the High Court in 1912 at the early age of twenty-six, became an officiating Judge in 1920 to be made permanent in 1923, the Chief Justice in 1932 and a Judge of the Federal Court in 1937. Mahmood, Muthuswami and Bhashyam Iyenger were great jurists; Ranade, Mitter, Tayabji and Telang, were great Judges—they had behind them the study and experience of a life time, but in sheer keenness of intellect, Sulaiman was second to none. On the bench too, he was an unqualified success. He never said an unkind word to anyone. It was an ideal combination when he sat with Sri Lal Gopal Mukerji, who was also a great Judge and the very embodiment of patience, courtesy and: dignity.

He retained his habits of scholarship till the end. He used to have correspondence with Professor Einstein on subjects of his study. Men like him are not born everyday. They are born after long periods of history to exemplify the altitudes human endeavour can attain.

It may be mentioned that Sulaiman had three immediate contemporaries and they were great friends: Jamini Mohan Banerji, Nawab Mohammad Yusuf and Jawaharlal Nehru. Jamini Mohan, the second son of Sir P. C. Banerji, was rapidly forging ahead on both sides, but essentially on the criminal side. A very promising career was cut off when he suddenly died in England, probably in December 1924. Mohammad Yusuf turned to politics and did extremely well. He was appointed Minister and later, knighted. He was endowed with a nature, which believed in doing good to everyone. Sir C. Y. Chintamani criticised him, perhaps with more zeal than discretion, in the columns of "The Leader" almost every-day, for years, but, at the end, paid him a most generous tribute as a great gentleman.

The third and the greatest was Jawaharlal Nehru. He lived to be the first Prime Minister of free India. Prime Ministers come and Prime Ministers go, but a Jawaharlal does not always come. He will be remembered as one of the makers of post- Independence India. I cannot do better, than to quote the tribute paid by Oliphant Smeaton to Gibbon, the author of the Decline and Fall of the Roman Empire:

*"He died as he lived,  
a noble-hearted, sympathetic,  
great-souled man, who left  
the world, a debtor to all time".*

His death on May 27, 1964, was a national calamity and scenes of unparalleled devotion to him and his memory were witnessed all over the country. Indeed, the tributes transgressed all geographical limits. He was, in the words of Mathew Arnold, one of the

*"Souls tempered with fire,  
Fervent, heroic and good,  
Helpers and friends of mankind".*

Before I come to the three main figures who held the centre of the stage, I would like to mention just in passing, a few lawyers of other High Courts who sometimes appeared in our High Court: Sir Ali Imam and Mr. Hasan Imam of Patna, Mr. Langford James of Calcutta, Mr. Jinnah and Mr. Bhula Bhai Desai of Bombay and Mr. Jagan Nath Aggarwal of Lahore.

Sir Ali Imam could argue a case for days and days in the choicest language. He argued a very difficult criminal appeal before Sir Cecil Walsh and Justice Pullan for a week. Imperceptibly and slowly, but surely, he laid bridge after bridge and ultimately persuaded a reluctant Court to his view. Hasan Imam was quick and extremely intelligent. But, in sheer brilliance, it was difficult Bhai Desai and Jagan Nath Agarwal before them.

It is so difficult to describe Langford James and extremely well prepared, he cast a halo and an simply irresistible.

I now come to B. E. O' Connor, Dr. Tej Bahadur Sapru and Dr. Surendra Nath Sen. I appeared with Mr. B. E. O'Connor and against him in numberless cases. He was easily one of the best advocates on facts. He was called "the prince of facts". He created such an atmosphere in his favour that his opponent could hardly dispel it even with the aid of a "heavy battery" of books and authorities. Father used to say that Chaudhri and Moti Lal Nehru reminded him of Sir Walter Colvin and Mr. Rain Prasad, whereas O'Connor was more akin to Mr. Conlan, whose pupil he had been. The year 1937 witnessed the exit of two giants of the Allahabad Bar. Sir Charles Ross Alston on the criminal and Mr. O'Connor on the civil side.

Sir Tej Bahadur Sapru filled such a large space in the legal and public life of the country—both some times closely interwoven—that it is difficult to do full justice to him as a lawyer. His entry in the legal profession was heralded by a scholastic career of unusual brilliance, second only to that of Dr. Satish Chandra Banerji. Satish was claimed both by Aligarh and Agra; Sapru belonged entirely to the Agra College. He stood first in all the examinations. His success at the Bar was a foregone conclusion. His outstanding qualities were an unfailing memory, thoroughness and a complete mastery of the facts of the case and the law bearing on it. His command of English was superb. This, with his faultless pronunciation and perfect into nation, invested his argument with a charm all its own. Add to it an immaculately dressed man of great personal charm, and the picture of Sir Tej Bahadur is complete. A senior more considerate to the

junior it is so difficult to imagine. In later years my friend and contemporary, Mr. Ajudhya Nath, had made himself indispensable to him. Sir Tej treated him as a member of the family.

I still remember a case, in the very early days of my practice, which came up for hearing before Sir Lal Gopal Mukerji and Mr. Justice Dalal. Mr. O'Conor with one or two others appeared for the appellant. Sir Tej Bahadur Sapru appeared for the respondents. The case-law on the subject was scanty. The client came to know that my strong-point was case-law and I was engaged to assist Sir Tej. Fortunately I knew one ruling and we won the case mainly on account of it. Dr. Sapru was not only profuse in his admiration, but, what gladdened my heart, more than anything else, was that in the evening, he saw my father and spoke to him appreciatively about me.

It is impossible to refer even to the important cases argued by him, which I closely watched, even though I did not appear in them. I cannot help alluding to two of them. The first was a case of family settlement. It was a case of the Jains of Saharanpur. Dr. Sen argued it for several days before Mr. Justice Lindsay and Mr. Justice Kanhaya Lal for the appellant, Sir Tej Bahadur argued it for the respondents (Badri Das vs. Janeshwar Das).

The other was Basant Singh vs. Brij Raj Singh, (1929), 62 I. A. 180. The question was whether the presumption raised by Section 90 of the Indian Evidence Act could be extended to the original even when what was produced from proper custody was but a copy. The case related to one of the premier Jat States in Western U. P. It attracted considerable public attention not only by reason of the high stakes, but because the defendant, Brij Raj Saran Singh, was the adopted son of Rao Khushal Singh, son of Raja Nahar Singh, one of the staunchest adherents of the last Moghul emperor, Bahadur Shah, in the uprising of 1857. Nahar Singh was the bravest of the brave. He and the Nawab of Jhajjar were the despair of the British. The history of India would have been different if Nahar Singh had not fallen a victim to one of the foulest betrayals in history, the author of which was probably the notorious Hudson at whose barbarity even Nero and Caligula would have blushed. He murdered the two sons of the King, placed the severed heads on a plate and placed them before the unfortunate King and said "Here is your breakfast". The old King, with a calm and sublime resignation, truly angelic and with a touch of the divinity only remarked:

*(urdu sentence)*

*"Zafar! do not consider him to be a man,  
Howsoever, wise and foresighted he may be,  
Who in happiness thinketh not of God,  
And in anger fears Him not".*

I hope I shall be forgiven this digression. The Subordinate Judge refused to extend the presumption and held the will not proved. The High Court, Sir Shah Sulaiman and Sir Henry Kendall, and the Privy Council did the same, but held the will otherwise proved.

He distinguished himself equally in politics and was made the Law Member in 1921 and a P. C. in 1934. He was one of the finest specimens of Urdu and Persian culture.

*Whose pleasures are of crimeless kind  
That ne'er taint the soul.*

Dr. Surendra Nath Sen was a profound lawyer. Of Sir Rufus Isaacs, later Lord Reading, it was said that he was a lawyer to the finger tips. So was Dr. Sen. His rise at the Bar was also phenomenal. He was one of the finest products of the Canning College, Lucknow, from where he took his M. A. in English, standing first class first. After passing the LL. B. he practised for a number of years at Azamgarh and shifted to the High Court somewhat late in life, in 1902 or 1903. He had hardly to wait. He soon caught the eye of Sir Walter Colvin, Mr. C. C. Dillon and Mr. J. N. Chaudhri. Sir Walter and Mr. Dillon frequently engaged him as a Junior. This gave him both work and dignity. In 1906 he passed the Honours in Law Examination, which really meant the crossing of the Rubicon. After that his rise was rapid. In the shuffling of cards which followed the death of Dr. Satish Chandra Banerji in 1915, and of Pandit Sunder Lal, 1918, the appointment of Sir Tej Bahadur Sapru as the Law Member and of Moti Lal Nehru becoming an All-India figure, both in law and politics, Dr. Sen found himself at the top on the civil side, rubbing shoulders with O'Conor. There was hardly a first appeal in which he did not appear. He had also tremendous *Mufassil* practice, and, next to Pandit Moti Lal Nehru, he commanded the highest fee both in the High Court and outside. There was no branch of the Civil Law of which he was not a complete master.

My friends, Narbadeshwar Upadhyaya, Mukhtar Ahmad and S. N. Gupta and myself persuaded him to give some of his precious time to politics. A club called 'Saturday Club' was started. Almost all the leading newspapers both Indian and foreign, were subscribed. We met at his house every Saturday and discussed the burning topics of the day.

As a lawyer of outstanding merit and as a mark of the high esteem in which he was held, the Government of India appointed him a member of the Transfer of Property Act Amendment Committee in 1927; the other members were Mr. S. R. Das, the then Law Member, Sir B. L. Mitter, who succeeded Mr. S. R. Das and Sir Dinsha Mulla. He acted as a Judge of the High Court for a few years from 1928 to 1932. As expected, he brought to bear great learning on his duties. Some of his decisions bear the stamp of profound learning. But, paradoxically enough, one of his best considered Judgments on a very important question of Hindu Law and estoppel, was set aside by the Privy Council (Kalawati vs. Dharam Prakash, 60 I. A. 90.).

There remain only two names to be noticed, Peare Lal Banerji and Uma Shankar Bajpai. Bajpai had a brilliant academic career and after taking his B. A., from the Canning College, Lucknow, and M. A. from

the Muir Central College, Allahabad, he was appointed a professor of English. His felicity of expression stood him in good stead in the profession when he joined the High Court in 1910. When he was appointed Government Advocate in 1927 he had fairly good practice. He officiated as a Judge in 1931 and was then made permanent in 1932.

I now come to the last of the race of giants, Mr. Peare Lal Banuji. It is difficult for me, despite my loyalty to truth and precision, to speak or write about him without laying myself open to the accusation of inexactitude. He was my teacher in the law class and bestowed his best affection on me. He was never tired of extolling me. In his 'Contemporary Personalities' Lord Birkenhead, speaking of Philip Snowden, has said "with such an old, and intimate acquaintance, it is difficult for me to paint his character on the canvas with dark pigments.

Fortunately, in describing him, dark pigments are absolutely out of place. He was a profound lawyer, well versed in the principles of law, and had developed a method of argument all his own-clear, precise and terse. He had mastered the judgments of the Privy Council and of the House of Lords with the result that he spoke the most correct legal language. Indeed as one heard his arguments, one some times felt as though one was reading a page from the judgment of Knight Bruce, Westbury or Macnaughten or Sumner, Ameer Ali and Atkin. It is no wonder he worked his way to the top of the profession. Besides, he had built a tremendous out-station practice, both in Agra and Avadh. There was hardly any case of importance in which he did not appear. In the High Court, he was generally opposed to Katju and Iqbal Ahmed and sometimes also to S. K. Dar. But, outside, we were generally opposed to each other. It was then that I particularly noticed how very very fair he was. The suitor received the benefit of his 'great talents, but the bother of his self always remained with him. He never surrendered his conscience to the client or the count. He was modest to a fault. He never spoke of his achievements. Success, the most signal and crowning, did not elate him; failure, however, depressing, did not depress him.

Adversity, one's own or another's, is the acid test of one's character. In the darkest hour of my life, he stood by me as few did. He came to my house every day and consoled and cheered me.

*"The hues of bliss more brightly glow*

*Chastised by saline tints of woe".*

The U.P. Government did itself the honour of appointing him Advocate General. He not only maintained but raised the dignity of the office to heights, probably none to be attained in future.

He died in 1952, leaving an "aching void" in the profession. With him went the last of the Romans.

His words are still ringing in my ears and I now feel with the poet:

*"I know there is no error*

*In the great, eternal plan,*

*And all things work together,*

*For the final good of man".*