

= Norman Birkett , 1st Baron Birkett =

William Norman Birkett , 1st Baron Birkett , PC , QC (6 September 1883 ? 10 February 1962) was a British barrister , judge , politician and preacher who served as the alternate British judge during the Nuremberg Trials .

Birkett received his education at Barrow @-@ in @-@ Furness Grammar School . He was a Methodist preacher and a draper before attending Emmanuel College , Cambridge in 1907 , to study theology , history and law . Upon graduating in 1910 he worked as a secretary and was called to the Bar in 1913 .

Declared medically unfit for military service during World War I , Birkett used the time to make up for his late entry into the legal profession and was appointed a King 's Counsel in 1924 . He became a criminal defence lawyer and acted as counsel in a number of famous cases including the second of the Brighton trunk murders . A member of the Liberal Party , he sat in Parliament for Nottingham East twice , first in 1923 and again in 1929 .

Despite refusing appointment to the High Court of Justice in 1928 , he was offered the position again in 1941 and accepted , joining the King 's Bench Division . In 1945 he served as the alternate British judge at the Nuremberg trials , and he was made a Privy Counsellor in 1947 . He joined the Court of Appeal of England and Wales in 1950 but retired in 1956 when he had served for long enough to draw a pension . From 1958 he served in the House of Lords , and his speech against a private bill in 1962 saw it defeated by 70 votes to 36 , two days before he died on 10 February 1962 .

Described as " one of the most prominent Liberal barristers in the first half of the 20th century " and " the Lord Chancellor that never was " , Birkett was noted for his skill as a speaker , which helped him defend clients with almost watertight cases against them . As an alternate judge , Birkett was not allowed a vote at the Nuremberg Trials , but his opinion helped shape the final judgment . During his tenure in the Court of Appeal he oversaw some of the most significant cases of the era , particularly in contract law , despite his avowed dislike of judicial work .

Five of Birkett 's cases were dramatised for radio by Caroline and David Stafford and broadcast on BBC Radio 4 's Afternoon Play series , one on 1 June 2010 starring David Haig as Birkett and four in January 2012 starring Neil Dudgeon as Birkett .

= = Early life and education = =

Norman was born in Ulverston , Lancashire (now part of the administrative county of Cumbria) , on 6 September 1883 to Thomas Birkett , a draper , and his wife Agnes , who died in 1884 of tuberculosis . He attended the Wesleyan primary school in Ulverston until 1894 , when he moved to Barrow @-@ in @-@ Furness Grammar School . Although intelligent , Birkett was not noted as a particularly academic student and spent as much time on practical jokes as he did on his studies . He left school in 1898 , starting work as an apprentice in one of the draper 's shops owned by his father and beginning to preach . He was a popular local preacher on the local Methodist circuit , and , on deciding that he was unlikely to be a good draper , his father allowed him to leave the business in 1904 to become a minister under Charles Bedale . In 1905 , Bedale suggested Birkett should go to Cambridge University to study history and theology . Birkett liked the idea , having previously conversed with A. C. Benson , the Master of Magdalene College , and applied to Emmanuel College , Cambridge . The college offered him a place , with the condition that he would have to pass an entrance examination and complete the responsions to be accepted into the university as a whole . He spent three months learning Latin and Greek and was accepted into the university in October 1907 .

At Cambridge , Birkett preached on the local Methodist circuit and at The Leys School . He was also active in sport , playing rugby , football and golf . He first spoke at the Cambridge Union Society in his second term at Cambridge on the motion of " this House would welcome the Disestablishment of the Church of England " , and the Cambridge Review reported that it was " a most interesting speech " . In his second year , he was elected to the Emmanuel Debating Society Committee and

spoke many times at the Union on subjects including Home Rule for Ireland , cruelty to animals and secular education . He befriended Arnold McNair , the Secretary of the Union , and McNair agreed to put Birkett 's name on the electoral papers for election to the Union Committee . Birkett failed to get in , but on running again in 1910 was elected Secretary of the Union by a margin of only six votes . He became Vice @-@ President the following term , and President the term after that . While Birkett was President , the Cambridge Review reported that there was " no speaker more sure of pleasing the house " , and the speech he gave when Theodore Roosevelt visited Cambridge was well received by both Roosevelt and the university as a whole .

He gained a Second Class in the first History Tripos in 1909 , and won the English Essay Prize with an essay on political satire in English poetry . He won the same prize again in 1910 , and that year gained first @-@ class honours in his Theological Special Examination . By this point , he was having doubts about his future as a minister and consulted with the university Law Reader as to the possibility of a career as a barrister . On the Reader 's advice , Birkett took the second Law Tripos in 1911 , passing with second @-@ class honours . Birkett interviewed with the editors of The Guardian and The Observer in his search for a job to sustain him while he took the bar exam . He took a job as personal secretary to George Cadbury Junior , with a wage of £ 200 a year , which he planned to hold until he qualified as a barrister . After only a month of working for Cadbury , his salary was raised to £ 500 , and he was offered a permanent position . While there , he continued his political work and spoke on behalf of the Liberal Party , cementing his reputation as an effective speaker by , on one occasion , holding the attention of more than a thousand people for an hour . He took the first part of the Bar Examination in 1912 , but failed the paper on real property ; he passed it on his second attempt , and was called to the Bar at the Inner Temple on 4 June 1913 .

While working for Cadbury , Birkett befriended Ruth " Billy " Nilsson , and after he had proposed to her several times , she agreed to marry him . Nilsson gave up her position at Bourneville to move to London and they were married on 25 August 1920 . They had two children , a daughter Linnea Birkett on 27 June 1923 , and a son Michael Birkett on 22 October 1929 . A keen golfer , he was a member of the Harewood Downs Golf Club , near Amersham , Buckinghamshire .

= = Practice at the Bar and time as a member of parliament = =

After qualifying as a barrister , he moved to Birmingham in 1914 , choosing the city because he had some connections there thanks to his association with Cadbury , and began work at the chambers of John Hurst . His career was aided by the outbreak of World War I ; many of the younger and fitter barristers were called up for war service , whilst Birkett himself , who was thirty when he joined the bar , avoided conscription as he was declared medically unfit . He was suffering from tuberculosis , and he returned to Ulverston for six months to recover . During his time in Birmingham , he continued his work as a minister , regularly preaching at the Baptist People 's Chapel .

Birkett became a popular defence counsel , something that on occasion caused him trouble ; he was once forced to refuse a defendant 's request to act as his representative because Birkett was expected in a different court . He impressed the Bench in Birmingham so much that , in 1919 , he was advised by a local Circuit Judge to move to London to advance his career . Although he was initially hesitant , saying that " competition in London is on quite a different scale , and if I failed there , I would have lost everything I have built up here " , a case he took in 1920 changed the situation . He acted as a junior for the prosecution in the so @-@ called Green Bicycle Case against Edward Marshall @-@ Hall . Although he lost , he sufficiently impressed Marshall @-@ Hall for the latter to offer him a place in his chambers in London . He had no connections with the solicitors in London , and the clerk at his new chambers got around this lack of contacts by using him as counsel in cases involving Marshall @-@ Hall , who as a King 's Counsel could appear in court only when accompanied by a junior barrister such as Birkett .

= = = Member of Parliament = = =

His father had been a supporter of the Liberal Party , and Birkett had helped campaign for them

during the 1906 general election . He had been invited to become the Liberal candidate for Cambridge in 1911 , but he refused because he had no income ; he did , however , help his employer George Cadbury , Jr. get elected as a Liberal Councillor in Birmingham and helped start a branch of the National League of Young Liberals in the city . Birkett was the Liberal candidate for Birmingham King 's Norton in the 1918 general election , but lost to Herbert Austin . Birkett 's political career took off in 1923 . He ran for Nottingham East in the 1923 general election , and was elected with a majority of 1 @, @ 436 votes , a feat that was described as an " overwhelming victory " since the Conservative Party had held the seat since 1910 and had a majority of 4 @, @ 000 at the previous election .

Birkett 's maiden speech in Parliament responded to a proposal by Charles Dukes , a Labour Party Member of Parliament , in favour of state pensions for widows with children , and wives whose husbands were unable to work because of injury . Birkett went further than the proposed change and suggested that pensions should be provided to unmarried mothers , deserted wives and divorced wives . His speech was well @-@ received ; the Nottingham Journal described it as making " a most excellent impression " on the House of Commons , and Charles Masterman called him " a possible future Lord Chancellor " . Because of his focus on his career as a barrister rather than as a politician , Birkett rarely appeared in the House of Commons , but he worked hard when he did attend . On one occasion , he spent all night in a Parliamentary session that ended at 6 a.m. and then attended a court session the next day .

He applied to become a King 's Counsel in 1924 , since barristers who were also parliamentarians stood a higher chance of getting accepted than others . He was accepted on 15 April 1924 and sworn in on the same day . His promotion was met with approval from several noted judges , including Frederick Greer , later a Lord Justice of Appeal , who wrote that " unless my judgement is very much astray , you will quickly acquire a leading place in the front row " , a feeling which was echoed by other justices including William Finlay , who wrote that " I am confident that you will rise to the top of the profession , and I shall very greatly rejoice when my confidence is justified . " In his first year as a King 's Counsel Birkett earned £ 8 @, @ 600 , double what he had taken the previous year as a junior brief .

In 1924 , the Campbell Case brought down the Labour minority government and forced a general election . Birkett returned to Nottingham East to campaign for his re @-@ election , though he faced a much more difficult job than he had in 1923 . The Conservative candidate , Edmund Brocklebank , was much stronger than in the previous election , and the left @-@ wing vote was split because he was also campaigning against Tom Mann , a noted Communist . A few days before the election , a letter allegedly addressed to the Communist Party was published that mentioned organising uprisings in British colonies ; fear of the " socialist menace " drove many voters to the right , and in the election on 29 October 1924 , many Liberal members of parliament , including Birkett , lost their seats to Conservatives .

= = = Practice at the Bar in London = = =

While working with Marshall @-@ Hall , Birkett was involved in several notable criminal cases that helped cement his reputation as an outstanding speaker at the Bar .

In 1925 , a case known as the " Bachelor 's Case " came up at the High Court of Justice between Lieutenant @-@ Colonel Ian Dennistoun and his ex @-@ wife Dorothy Dennistoun . When the Dennistouns divorced , Mr. Dennistoun could not pay ancillary relief . He instead promised that he would provide for his ex @-@ wife in the future when he had the money . Some time after the divorce , Mr. Dennistoun married Almina , Countess of Carnarvon , the widow of Lord Carnarvon , a rich woman thanks to the terms of her husband 's will , who provided for her new husband . After hearing about this , Dorothy Dennistoun demanded the alimony money she had been promised . Lady Carnarvon saw this as blackmail and persuaded her new husband to take his wife to court for what Sir Henry McCardie , who tried the case , called " the most bitterly conducted litigation I have ever known " . Marshall @-@ Hall and Birkett both worked on the case representing Lady Carnarvon and Mr. Dennistoun , while Ellis Hume @-@ Williams , one of the most respected divorce

barristers of the day , represented Mrs. Dennistoun .

The case initially appeared to be going badly for Marshall @-@ Hall . An inept cross @-@ examination on his part weakened his argument , and an illness made him irritable and short @-@ tempered . On the advice of his clerk , he asked Birkett to make the closing address before the court , which turned the mood of the courtroom completely and an initially hostile jury decided to disregard the agreement of Mr. Dennistoun to pay ancillary relief to his former wife . Birkett 's performance made the front pages of many evening newspapers , including The Daily Mail which described Birkett as " the greatest legal discovery of the year " and called his speech " a brilliant piece of advocacy " . His work for this case and the newspaper coverage of it brought him to the attention of many London solicitors , and led to him earning £ 8 @,@ 000 in the first seven months of 1925 . In that year he made £ 12 @,@ 000 overall , an amount which rose to £ 16 @,@ 500 in 1926 and peaked in 1929 when he earned £ 33 @,@ 500 . On meeting Miles Malleson , an old friend from his time at Cambridge , he said in surprise " did you know , Miles , that I am making more money than I thought existed in the world ! "

= = = Return to politics = = =

Birkett was returned as MP for Nottingham East at the general election on 31 May 1929 in which he won 14 @,@ 049 votes , taking the seat with a majority of 2 @,@ 939 .

As the largest single party , the Labour Party formed a minority government and set about filling the ministerial posts . The Labour Party had few experienced lawyers in the House of Commons , so Labour Prime Minister Ramsay MacDonald attempted to lure prominent Liberal lawyers to fill the positions of Attorney General and Solicitor General for England and Wales . William Jowitt defected to the Labour Party in exchange for the position of Attorney General , and the position of Solicitor General was offered to Birkett . Birkett replied that " he could not change his politics in twenty @-@ five minutes , and even if the Liberal Party should disintegrate completely , he would not be seen taking refuge in the Labour ark " .

Despite having to juggle his career at the Bar and as a member of parliament , Birkett kept up a good attendance in the House of Commons , and along with Sir John Simon he became the leading Liberal spokesperson on the legal side of legislation . His attack on a clause of the Finance Act 1930 drew much praise from both Liberal and Conservative politicians , including Winston Churchill , who said that " I have rarely heard a speech more precisely directed at the object under debate , more harmoniously attuned to the character of Committee discussion , than the excellent statement the Honourable and learned Gentleman has just made " . Birkett led the Liberal response to the Labour proposal of the Trade Disputes Bill 1931 and " reduced it to tatters " , although the Bill passed because of some Liberal abstentions . The speech was a particularly well @-@ received one and led MacDonald to again offer the position of Solicitor General to Birkett , as the incumbent postholder James Melville was about to resign . Again Birkett refused , and Stafford Cripps was appointed . When the Liberal Party returned to power in 1931 in coalition with the Conservatives and National Labour as part of MacDonald 's National Government , it was expected that Birkett would be offered the position being a Liberal Member of Parliament , but by the time they proposed candidates for Solicitor General , the Liberals had exceeded their ministerial quota agreed to in the coalition . Birkett was offered a non @-@ legal office but said that he " could not contemplate a post that meant giving up my practice " .

After an economic crisis in 1931 , the King dissolved parliament and Birkett returned to Nottingham East to defend his seat ; his main opponent was the Conservative , Louis Gluckstein , who had challenged him in the 1929 election . The Conservative Party 's support of protectionism met with approval from the electorate , as most were employed in industries which had suffered after the institution of free trade . Gluckstein won the general election on 27 October 1931 with a majority of 5 @,@ 583 votes .

On 3 November , Birkett was informed that if he had been returned , the Prime Minister intended to make him Solicitor @-@ General . Disillusioned with the circumstances of the election , Birkett " [bade] farewell to East Nottingham " and retired from politics . He was invited to become a Liberal

candidate two more times ; once in 1931 for Torquay and once in 1932 for North Cornwall . The second was a tempting offer ; the seat had become vacant on the death of its previous holder , a National Liberal with a comfortable majority , and it was felt that Birkett was almost certain to be returned to Parliament . Despite this , he refused , disliking the National Liberal policies and the extent to which they had aligned themselves with the Conservative Party .

= = = Return to the Bar = = =

In 1930 , Birkett was involved in the so @-@ called Blazing Car murder case . On 6 November 1930 , two men returning home in Northampton noticed a bright light in the distance and saw a man come out of a ditch at the side of the road , glance back toward the light and say " looks like somebody has had a bonfire " . The two young men ran toward the light , saw it was a burning car and fetched a policeman . When the fires died away , a body was found inside the boot of a car with a face so charred it was impossible to determine the identity of the man ; the numberplate of the car was intact , however , and traced to an Alfred Arthur Rouse . Rouse was arrested and appeared at Northampton Crown Court on 26 January 1931 , charged with the murder of an unknown man . He was defended by Donald Finnemore , and the Crown was represented by Birkett and Richard Elwes . Rouse was damned by a series of events . When arrested , he made statements such as " I 'm very glad it 's over " and " I 'm responsible " and that the car engine had been off at the time of the fire , ruling out the possibility of accidental ignition . When he appeared as a witness , the defendant claimed that after giving an unknown man a lift , he had found that he was running out of petrol and had asked the passenger to take the spare can in the car and fill up the fuel tank . While he was doing this , Rouse testified that he went to the side of the road to urinate , and while there heard a large explosion . He said he saw a large flame and became convinced the petrol tank would explode . As such he ran away as fast as possible , at which point he ran into the two young men on the road .

The cross @-@ examination of him and other witnesses by Birkett swayed the jury , and they took only fifteen minutes to find Rouse guilty of murder . After his appeal had been rejected by both the Court of Appeal and the Home Secretary , Rouse admitted that he had in fact committed the murder ? although he never gave a reason ? it was theorised that he had done so in an attempt to fake his own death . Despite his admission of guilt the identity of the victim has never been discovered .

In 1934 , Birkett acted as counsel for the second of the two Brighton trunk murders , a case which was described as " his greatest triumph in a capital case " . In June 1934 , a woman 's torso was found in a suitcase in Brighton railway station . The legs were discovered at King 's Cross Station the next day , but her head and arms were never found , and the case is still unsolved . A woman by the name of Violette Kaye had disappeared , and the appearance of the first woman 's body prompted greater scrutiny on Kaye 's case . On 14 July , they interviewed Toni Mancini , Kaye 's boyfriend , who convinced them that the dead woman could not possibly be Kaye ; the dead woman had been identified as around thirty five years old and five months pregnant , while Kaye was ten years older . Kaye was last seen alive on 10 May looking distressed in the doorway to her house and had been scheduled to visit her sister in London who received a telegram on 11 May reading " Going abroad . Good job . Sail Sunday . Will write . Vi . " in block capitals . The post office clerks could not remember who sent it , but experts testified that the handwriting on the telegram had similarities to that on a menu written by Mancini . On 14 May , with the help of another man , Mancini moved his belongings from the house he shared with Kaye , which included a large trunk which was too heavy to move by hand . Mancini had told people that he had broken up with Kaye and she had moved to Paris , and that before she left he had beaten her . He later said to a friend , " What is the good of knocking a woman about with your fists ? You only hurt yourself . You should hit her with a hammer same as I did and [chop] her up . " A hammerhead was later found in the rubbish at his old house .

After the police had left on 14 July , Mancini got on a train to London . When the police arrived the next morning , they were unable to find Mancini but found Kaye 's body decomposing in the trunk in his new home . They immediately sent out a country @-@ wide call for Mancini to be arrested , and

he was picked up near London . He claimed he was not guilty , and stated during interviews with police that he had returned home to find Kaye dead . Fearing that with his criminal record , the police would not believe him , he had hidden the body in a trunk . While Mancini was in prison , his solicitor phoned Birkett and asked him to work as counsel for the defence , which Birkett agreed to do . In his defence , Birkett highlighted flaws in the prosecution 's case to introduce an element of doubt in the minds of the jury . His cross @-@ examination of Sir Bernard Spilsbury , famous Home Office pathologist and potentially the most dangerous witness for the Crown , was seen as " masterly " . Birkett also emphasised the affectionate nature of the relationship between Kaye and Mancini before Kaye 's death . Despite strong evidence that he had committed the crime , including marks on the victim 's skull believed to be from a hammer and marks of blood on Mancini 's clothing , the jury found Mancini innocent after two and a half hours of deliberations . Mancini later confessed to the murder before dying .

In May 1937 Birkett was appointed Chairman of the Inter @-@ Departmental Committee for Abortion set up by the Minister of Health and Home Secretary , preparing a report " to inquire into the prevalence of abortion , and the law relating thereto , and to consider what steps can be taken by more effective enforcement of the law " , something which occupied him for two years . During the summer of 1937 , Birkett was asked to represent the English Bar at the annual meeting of the Canadian Bar Association in Toronto , where he was a popular speaker . In January 1938 , he was asked to act as a Commissioner of Assize to open the Assize Court in Aylesbury , dealing with an average of ten cases a day . After the outbreak of World War II in 1939 , he became a member of a committee advising the Home Secretary on the detention of suspected enemy agents . The committee dealt with more than 1 @,@ 500 cases in two years . Although the work was unpaid , he was knighted on 6 June 1941 as a reward for his work . He also delivered weekly radio broadcasts after the Friday night news to counter the broadcasts of William Joyce , known as Lord Haw Haw . The first broadcast took place on 9 February 1940 , and they were considered to be a morale boost during the so @-@ called Phony War .

= = Judicial work = =

Birkett had been offered appointment to the High Court as early as 1928 , but turned it down , saying that " I wasn 't really drawn to the judicial office ... I loved the Bar too much " . After the death of the High Court judge Sir Anthony Hawke in October 1941 , the Lord Chancellor Lord Simon offered Birkett the seat . Birkett considered it his " public duty " to join the bench and wrote back on 4 November accepting the offer . He was sworn in on 11 November 1941 and first sat on 24 November . He did not enjoy his time in the high courts , admitting that he " missed the limelight " of being an advocate , and , combined with ill @-@ health , he suffered from depression in 1942 . He was , however , a popular judge , although he felt he was too weak in his judgments because he " did not desire to hurt people 's feelings " . At one point , the Daily Herald reported he was to be made Viceroy of India . For several weeks in 1943 , he sat in the Court of Appeal before departing on an Assize visit . He fell ill after a few weeks with a combination of heart disease and pneumonia , and he returned home to recover . He suffered from more illness over the next year and considered resigning as a judge , as he felt that he could no longer trust his abilities as one . During his time in the High Court , he dealt with several notable cases including *Constantine v Imperial Hotels Ltd* , which reaffirmed the common law principle that innkeepers must not refuse accommodation to guests without just cause .

= = Nuremberg trials = =

On 30 August 1945 , Birkett received a letter from the Lord Chancellor asking him to serve as the British judge at the Nuremberg Trials of German War Criminals . He accepted , saying that it was " a great honour to be selected " . But when he went to London to discuss it , he was informed that the Foreign Office wanted a more senior judge to be in attendance , ideally a Law Lord , but since no Law Lord was available , they had requested that a judge from the Court of Appeal should be

appointed . Geoffrey Lawrence was made the main British judge , and Birkett was offered the position of alternate judge for the trials , which he accepted , although with less enthusiasm than he had shown when accepting the original offer . He became friends with the American judge Francis Biddle , although when they first met he accidentally confused him with Anthony Drexel Biddle and remarked how useful his diplomatic training would be in the trials .

The trial lasted from 18 October 1945 to 30 September 1946 , and although Birkett did not have a vote in the proceedings as an alternate judge , his opinion was given weight , and it helped sway the decisions made by the main judges . After returning home from the trials , he received praise from both the Lord Chancellor , who said that " The country owes much to him for vindicating our conceptions of an impartial trial under the rule of law " , and from John Parker , the American alternate judge , who wrote that :

Although only an alternate member of the tribunal without a vote , his voice was heard in all of its deliberations , his hand drafted a large and most important part of its judgment , and no one connected with the tribunal , member or otherwise , had a greater part than he in shaping the final result . If , as I confidently believe , the work of the tribunal will constitute a landmark in the development of world order based on law , to Norman Birkett must go a large share of the credit for the success of the undertaking . To few men does the opportunity come to labour so mightily for the welfare of their kind .

After the judges returned home , Lawrence was made a Baron for his work at Nuremberg , but Birkett received nothing . The lack of reward for his work pushed him into depression , which he took many months to recover from . He was eventually made a Privy Counsellor in the 1947 Birthday Honours list , but he saw this as poor reward for the work he had put in at Nuremberg .

= = = Further judicial work = = =

The rest of his time in the High Court passed uneventfully , but he continued to be unhappy with his work as a judge , noting that " I am nervous of myself , without much confidence in my judgment and hesitant about my sentences and damages and things of that kind . I have felt no glow of achievement in any summing up , though none of them have been bad . "

He was again struck by depression in 1948 when Sir Alfred Thompson Denning and Sir John Singleton were both appointed to the Court of Appeal ahead of him , despite having been appointed to the High Court after him . On 30 July 1949 , Birkett went to the Lord Chancellor and discussed the possibility of his appointment to the Court of Appeal , but left dissatisfied . On 14 November , a duodenal ulcer perforated , from which he spent six months recovering . In an attempt to appease him , the Lord Chancellor offered Birkett a peerage without salary on 8 May 1950 , but he refused as he lacked the means to survive without paid employment . While speaking at a conference in Washington , D.C. on 31 August 1950 , he received a telegram from the Lord Chancellor offering him appointment to the Court of Appeal ; he immediately wired back his acceptance . He was sworn in on 2 October , and heard his first case the following day .

He found the work in the Court of Appeal dull , and his disappointment increased the longer he worked . As in the High Court , he felt uncertain about his judgements and unsure as to whether he was having an impact on the law . Despite his personal opinion of himself , the judiciary as a whole felt that his mix of humanity and common sense was beneficial to the court . During the 1951 Long Vacation he broadcast three talks for the BBC on the subject of international law and its growth and gave a speech for the Law Society titled " The Lawyer 's Contribution to Society " . Despite his unhappiness with his work in the Court of Appeal , he worked until 1956 , when his long service as a judge allowed him to draw a pension . In his remaining time in the Court of Appeal , Birkett judged several notable cases , in particular *Pharmaceutical Society of Great Britain v Boots Cash Chemists (Southern) Ltd* [1953] 1 QB 401 , and *Entores Ltd v Miles Far East Corporation* [1955] 2 QB 327 , where the court made a landmark decision on acceptance of a contract in relation to Telex . From April 1958 to October 1961 he sat as a Law Lord , where his cases included *De Demko v Home Secretary* [1959] AC 654 and *Ostime v Duple Motor Bodies Ltd* [1960] AC 459 .

= = Retirement = =

On 13 June 1957 he became chairman of a committee of Privy Counsellors holding an inquiry into the Home Secretary 's use of telephone tapping . After twenty @-@ nine meetings , Birkett drafted a report which he passed on to Parliament supporting the use of telephone taps and noting their effectiveness . On 9 December , a letter arrived from the Prime Minister offering him a peerage . He accepted , and his name appeared in the New Year Honours list , and was created Baron Birkett , of Ulverston in the County of Lancaster , and took his seat in the House of Lords on 20 February 1958 . In the same year , he was awarded a LLD by the University of Cambridge , where the speaker said that Birkett was " endowed with such a voice as Cicero declared to be first requisite of an orator " and that " in our own time there had been no one more skilled in swaying the mind of a jury . " In February 1959 , he appeared on the first episode of the BBC television program Face to Face , where he was described as " one of the three or four greatest criminal lawyers of this century , and perhaps one of the three or four greatest criminal lawyers of all time " . Outside politics and the law , he also served as Master of the Worshipful Company of Curriers four times .

Birkett tried to sit as regularly in the House of Lords as possible , and made his maiden speech on 8 April 1959 on the subject of crime in the United Kingdom . In May , he moved the first reading of the Obscene Publications Bill , which passed with support from both sides of the house . Privately , Birkett believed that " there will never be a satisfactory law in England about obscenity . Our 1959 Act is the best we have yet done . " In 1961 , he was again invited by the BBC to give a series of talks on the BBC Home Service , this time titled " Six Great Advocates " . He picked Edward Marshall @-@ Hall , Patrick Hastings , Edward Clarke , Rufus Isaacs , Charles Russell and Thomas Erskine . He sat for the last time in the House of Lords on 8 February 1962 , where he made a speech criticising an element of the Manchester Corporation Bill which would have water drained from Ullswater to meet the needs of the growing population in Manchester . His speech was " deeply felt and eloquent " , and when the votes were announced , Birkett and his supporters had won by 70 votes to 36 . The Ullswater Yacht Club now holds an annual Lord Birkett Memorial Trophy Race on the lake .

The next morning he complained of heart trouble , collapsed shortly after lunch and was taken to the hospital . The doctors discovered that he had ruptured an important blood vessel and immediate surgery was needed to fix it . The operation failed to fix the problem , and he died early in the morning on 10 February 1962 . His son , Michael , succeeded him as Baron Birkett .

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