

John Sankey

Plaque dedication

Pride is not a word that is appropriate for John Sankey but I think I can confidently say he would be pleased that a college from which he received so much as a pupil and to which he gave so much in later life remembers him with such affection that a house is named after him. The more so would he be pleased that the house represents a widening of the field of education offered by the college to that half of society who were so poorly served in his era.

In turn I too have pleasure unveiling this plaque to mark the link between Viscount Sankey and today's students.

After Dinner Talk

136 years ago a 13 year old boy came up the drive outside, leaving his widowed mother and 5 siblings 180 miles away in Cardiff. The family were very involved in the Anglican Church where the vicar spotted John's talent and arranged for him to attend what was then a relatively new Anglican based school in Sussex. He repaid that confidence by hard work and in due course moved on to Jesus College Oxford before qualifying as a barrister in 1892.

He rapidly made a name for himself in South Wales as an advocate for the working class by becoming one of the leading experts in the then new field of legislation for workmen's compensation, not only for individual injuries but in consequence driving up safety standards in the workplace where it had not been a consideration by employers in the Victorian era. He was also widely instructed by major companies as an advocate in other fields of civil law. In 1909 he became a KC and as so much of his work was by then in the highest courts in the land he moved to London taking his youngest sister with him as housekeeper/companion. Neither of them ever married and they remained together for the rest of his life.

He was also very involved in church affairs and in 1909 was appointed Chancellor of the Diocese of Llandaff which covered Cardiff and a large part of South Wales. Through this he became a leading figure in the battle against government policy to disestablish the Anglican Church in Wales, i.e. that it should cease to be the official state church. His party lost the battle and the Church in Wales. The Bill was passed in 1914 but his opponents then said "you know more about the church and law in Wales than anyone, will you please write a constitution for this new body". Being John he willingly did so, writing it by hand over the next 3 years. It was held to be one of the finest pieces of legislative drafting of the age and stood the test of decades without alteration despite having to provide for every detail of church affairs from the power of bishops, priests and parish councils to church buildings, schools and other property together with lay involvement in administration.

His battle with the government made even more remarkable the invitation he received in the same year to be a High Court Judge (you do not apply for the job, you have to wait to be invited). His appointment was also unusual in that he did not have a political background as an MP. Of the 30 HCs of the day 23 were former MPs who were effectively political appointments. He was even by

today's standards very young at 48. As with all High Court Judges he was knighted on his appointment.

A few months later the First World War started and thousands of aliens were interned without trial. These were mostly German business men and traders but also some British citizens who were disaffected, notably Sinn Fein/IRA. An "Aliens Advisory Committee" was established to review their cases and John Sankey was one of the 2 High Court Judges given the task of hearing these. Even hardened republicans acknowledged that before Mr Justice Sankey they had a fair hearing; their words were not merely dismissed out of hand and were addressed in a reasoned judgement in accordance with the current law which laymen could follow.

As soon as the war ended a crisis emerged in industry, particularly the coal industry as demand slumped. A public enquiry entitled "the Coal Commission" was established and John Sankey was appointed to the chair with 6 employers' representatives and 6 workers representatives. It was held in the overpowering atmosphere of the Sovereign's Robing Room in the House of Lords but all were impressed by John's courtesy in setting at ease the witnesses who were often miners or their wives who had hardly been outside their villages before. Their words were heard. He kept peace between the two factions of the tribunal during lunch breaks but in the end agreement could not be reached and each side produced their own reports, leaving it to the chairman's casting report. John Sankey came down in favour of nationalising the coal industry. This was a shock to the government as it was the first time any official body had ever suggested nationalising anything. The government having said they would do whatever the enquiry recommended of course did not do so and John passed the next decade doing his High Court duties a much disappointed man. In the miners troubles of the 1970s a miner on TV news said that "the miners had only ever had one friend in government and that was John Sankey".

He relieved his disappointment by serving as governor of Lancing College and as chairman for some years. Under his chairmanship in 1923 he instituted a scheme for funds to support impecunious pupils like himself and seed funded it from his own pocket. That scheme has been much modified but is still available to help Lancing students today.

In 1928 he was appointed a Lord of Appeal, becoming a baron in the process with a seat in the House of Lords.

In 1929 the second brief Labour Government was elected and he was appointed Lord Chancellor. That government gave way to a National Government (think coalition today) in 1931 in which he continued his appointment as LC. He became a member of the Permanent Court of Arbitration at The Hague in 1930.

In the great Empire conference of 1930/31 which started the morph into the Commonwealth we have today he chaired one of the major committees composed of people from all round the world. He became a great friend of Mahatma Gandhi which lasted by correspondence throughout their joint lives. He was made a Viscount i.e. a hereditary peer in 1932.

As the senior judge in the House of Lords he presided over many major cases. The most memorable which is still cited today describes evidence as "the Golden Thread" running through English law by

which the prosecution must prove the guilt of a defendant before that defendant has to say anything in reply.

He also chaired the Judicial Committee of the Privy Council which had a similar function to the House of Lords for appeals from the courts of the Empire. Most notable was a claim in 1929 by five Canadian ladies who wanted to be members of the then relatively new Canadian Federal Parliament. Canadian courts said only “persons” could be elected and women were not “persons” eligible to be elected members of Parliament. John Sankey delivered the judgement saying that law is like “a living tree” where old redundant branches die and fall off while the spring brings new growth and new concepts. The emancipation of women in the 20th century means they are “persons” and thus eligible for election; this was only a year after all women got the vote in Britain. This was so important to Canada that in 2009 the state revisited the case and made the 5 ladies permanent honorary members of their federal parliament.

When the country returned to party politics in 1935 John Sankey ceased to be Lord Chancellor. He was immediately engaged as chairman of a very wide range of public bodies, Chairman of the Building Society’s Association, Magistrate’s Association, Voluntary Hospitals Association to name but a few. His skill was to preside over debates on contentious issues (whether judges after hearing legal arguments or conferences and commissions of many diverse members) while maintaining an atmosphere where all could make a meaningful contribution and feel their views were valued and taken into account.

He became Chancellor of various universities and received honorary degrees.

In 1940 i.e. early in the Second World War a non-government committee was established (bank rolled by a leading newspaper) to see “that this never happens again”. John Sankey took the chair; H.G.Wells was the secretary. They came up with a Declaration of Human Rights; right to life, fair trial etc. It became known as the “Sankey Declaration” though H.G.Wells did most of the writing. It did not gain a lot of traction in the middle of a war but in 1947 the United Nations wanted such a declaration in their charter; look at its wording and one can only think that their draftsman read the Sankey Declaration as a starting point. Likewise the European version in 1951 now incorporated into English law follows a similar format and headings.

He died peacefully in 1948 but his connection with Lancing did not end. Most of his considerable fortune was left to charities including funds to assist financially challenged students to benefit from a Lancing education. I inherited his tuckbox which made a second tour of duty at Lancing in the 1950s.

Faith, Courtesy and Compassion were his hallmarks; a worthy model for a house bearing his name to follow (motto?).

Robin Sankey TD, Sanderson’s 1955 - 1959