

find upon a second reading that it did not arise at all. I need hardly say how valuable it was to me to be able to discuss with him the problems that confronted me in my work for Cartmell. That was work indeed. For the first time since I left Oxford I was at full stretch. I think that no one, who has not experienced it, can know the frustration of unused ability however modest. Now my hours were full and my ambition reawakened. With Cartmell I saw, as never before, the law at its highest. I went with him to consultations with leaders such as Sir Robert Finlay and Danckwerts and Upjohn. (By those last two names a parenthesis is suggested: I have said that there is no order in these reflections.) Danckwerts and Upjohn were perhaps the two most learned counsel of their day. Both of them enjoyed enormous practices: neither of them became a judge. No other reason could be suggested than an overbearing manner and in the case of Danckwerts at least an uncontrollable temper. Yet both were of a generous nature and they would have rejoiced, the one of them in a son who is Lord Justice Danckwerts, the other in a son of even higher distinction who has just become a Lord of Appeal in Ordinary. Danckwerts' appearance did not favour him: he had a porcine face and an enormous stomach. Appropriately he is said to have told a pupil - Raymond Asquith, I think - that when he had a set of papers to look at he should study the land all round and about it, "like a bear", he said, "gathering grease for the winter".

I went too on rare occasions to the House of Lords and the Judicial Committee of the Privy Council. Few perhaps besides myself can remember the time when the Committee sat on either side of an oblong table with an empty seat at the end which was theoretically reserved for the Sovereign, not, as now, at a horseshoe table. Dimly I recollect the squat figure of Lord Halsbury and Lord Macnaghten ever silent and Lord Davey.

I was busy enough but work to me personally came very slowly. My fee books for those years showed nothing that would encourage my banker. I must tell the tale of my first brief.



I appeared for one of the parties upon an originating summons for the construction of a will. I worked - how I worked - upon that case and when the time came I poured out upon the learned judge - Mr. Justice Swinfen Eady - all the fruits of my labour. At last, when I had spoken far too long, I was unwise enough to say: "I don't know whether I make myself clear to your Lordship." "Yes, Mr. Simonds", he replied, "and if you will sit down, I will tell you why you are wrong." Collapse of Mr. Simonds, who began to doubt whether the Bar was the career for him.

Those were the days when we had a so-called tied system in the Chancery Division. To each court a number of silks attached themselves and did not go to other courts in the Division without a special fee. They could, of course, go to courts outside the Division without such a fee. It was a system that had its advantages, but they were to my mind far outweighed by its disadvantages, particularly that the lay client was limited in his choice of leading counsel, that, if there was a very long case in which he was not engaged, a particular counsel might find himself for days or weeks unemployed on the rank, but above all that a strong counsel might acquire undue dominance in the court of a weak judge. In those early days a conspicuous example of this was the court of Mr. Justice Kekewich where P. O. Lawrence appeared to hold sway. The judge was by this time a very old judge and his record of judgments reversed by the Court of Appeal was formidable. An apocryphal story went the rounds that one day a visitor to his house found a family of children and grandchildren rejoicing and, asking the reason why, was told: "Jam for tea today: Daddy has been affirmed by the Court of Appeal." The system still prevailed when I took silk in 1924 but to my relief was shortly thereafter abandoned.

I have been busy for several pages with the law and its purlieus. It is time to return to my home life. It was not very adventurous. In 1910 I came near to adventure. In that year I had arranged to go with Philip Kerr to Canada and the United States in the summer vacation. The Rocky Mountains were



our first objective but we had many plans. Our tickets were taken and arrangements made when I was suddenly smitten with acute appendicitis a week before we were due to sail. An emergency operation was performed by Sir Watson Cheyne and all was eventually well. But in those days the removal of an appendix was regarded as quite a serious business and there was an end of my American expedition. More successful was a trip to Rome which I took by myself, being later joined by my elder brother who was on his way home from the Sudan. I was still under the spell of the classics, but the Rome that I knew, unlike Athens, was overlaid with the monuments of later civilisations. Those too I could enjoy but how weary was my brother of the galleries and churches that I took him to see. Once only was he roused to any enthusiasm and that was when he found in the Alban hills a place where he thought he could contrive a magnificent rise of pheasants. Years later I ran into a couple who had been in the same hotel with us and said how well they remembered the brothers, one bored with a very big B and the other cultured with a very big C. Yes! I was a tiresome prig and my brother was very patient with me.

I found other friends in Rome. Torben de Bille, son of the Danish Minister in London, and his sister were there. I had met him shortly before at Montacute House, the home of my friend Edward Phelps, and we struck up a friendship which lasted until his death in a motor accident during the war. He was rapidly going blind and I used to read to him of an evening in London. It chanced that I was dining at the Legation (it was not yet an Embassy) in Pont Street on the day that the first war was declared and, conversation turning to battles of long ago, it appeared that an American friend who was my fellow guest had fought at Gettysburg in 1863 and the Minister himself in the Danish-Prussian war a year or two later. This reminds me of a dinner with an old cousin who had been in the Indian Civil Service. There was an old friend there who said that he used to smoke a hookah a good deal but had lately given it up.



Asked when he had given it up he said that he thought it must have been about 1848. My memories surely take me back to the Victorian Age! In the meantime life at Audleys Wood proceeded placidly. I went there most weekends and vacations. My sister married my old friend John Hare and they went to live in the Leigh Woods near Bristol. My elder brother also married a lady, still happily surviving, who became very dear to us all, <sup>They</sup> took a house at Wokingham. The old great-uncle died in his 87th year the last of his generation. There were the usual parties, dances, tennis tournaments and shooting. There were invasions, ~~some~~ ~~welcome some less welcome~~ by American relations. The general picture is of a happy family life as a background to the struggle in which I was all the time engaged in London to make a successful career.

The year 1912 saw a great change in my life. In March of that year I married my wife Mary Mellor to whom I had become engaged in 1911. Last year we celebrated our golden wedding. What she has been to me in times of joy and sorrow I will not commit to paper, though it is unlikely that anyone will read what I write. We were married at St. Margaret's Westminster. Three of her bridesmaids and her maid of honour and one of her pages were present at our golden wedding celebration. The other of her pages, my sister's son, was killed as a rear-gunner in a bomber in the early days of the war. For our honeymoon we went to Portofino. Too soon that ended. We returned to London and took up our abode in 41 St. George's Road, Pimlico. Our means were small, for I was still getting little work of my own at the Bar. Yet we had no hesitation in taking a house, which now, I suppose, houses several tenants, and we had three servants soon, with the arrival of an infant, to be increased to four.

I must recall my steps to say something of an activity that I had forgotten. I have told how I became secretary of the Canning Club at Oxford. When I went down I was still politically-minded and took some part in canvassing and speaking for Mr. Arthur Jeffreys the candidate for North Hants in the 1905



election. He got in by a much reduced majority. It is interesting to reflect on the main issues of that election - Home Rule for Ireland, Chinese Labour on the Rand and Tariff Reform. How dead they all are now! I do not suppose that the most ardent supporter of Home Rule would seek to enforce the rule of Southern Ireland upon Ulster: Chinese Labour on the Rand was and was meant to be a temporary measure, but it gave the Liberal Party an opportunity, of which they took full advantage, to attack what they called slavery. I was, I daresay, innocent, but I was surprised that a party which so loudly asserted not only its intellectual but also its moral superiority over its opponents should descend to such flagitious lies as distinguished this part of its campaign. The third great issue - Free Trade versus Tariff Reform - no longer is a battleground. It is rightly recognised by all reasonable men that opportunism and expediency must determine whether a tariff should be imposed. There is no Absolute for which men may die.

Again in 1911 I worked for Mr. (afterwards Mr. Justice) Clavell Salter, K.C. who succeeded Mr. Jeffreys as candidate. He had a remarkable gift for simple exposition to rustic audiences and I hope I learned something from him. But he was without humour and was known at the Bar as the dry-salter. He too got in. And that was the end of my political activities for 30 years. How I resumed them is another story which I shall perhaps narrate.

The period from March 1912 when I married to August 1914 was one of mingled happiness, anxiety and sorrow. Our eldest-born son died within a year of his birth: my wife was gravely ill. Work at the Bar was still disappointingly slow and it was only the generosity of her parents and mine which enabled us to live in reasonable comfort and at least not to deny ourselves whatever luxuries her health demanded. By this time her father had become County Court Judge in Manchester and had acquired a pleasant house at Knutsford where we spent some of our holidays.

But, if success at the Bar was slow in coming, yet I would not have exchanged it for any other. It had the supreme



advantage that any form of advertising or touting was taboo. That suited me very well, for I have ever had the utmost diffidence and distaste for asking for anything for myself: salesmanship of any kind was left out of my composition. Then too it was a learned profession and I could not but feel that the years I had spent at Winchester and Oxford, if they could not be regarded as strictly vocational for the Bar, yet provided the most useful background for that profession - (I seem to recall that Cicero said something of the kind.) But above all it was, and, I hope, still is, a profession in which kindness and good fellowship prevail. Here are small closely-knit bodies of men, all competing for a limited amount of work, knowing that what one man gets he gets at the expense of another. Yet I never heard one word of jealous comment about one man by another nor ever knew of any failure to give help by word or deed when it was wanted. I doubt whether any other profession, civil or military, can say the same. I remember countless acts of kindness to myself and salute my benefactors.

It is tempting to try to recall some of the incidents and personalities of that time. But I should only be repeating what has already been said in many memoirs by the chief actors. I was but an onlooker in the wings. I am, however, left with the impression that there were giants in those days and that today there are no longer names known to the public as were Carson and Isaacs and Finlay and others. Already too there were F. E. Smith and Simon well above the horizon. I remember being in court when they two with a third, E. G. Hemmerde, were called within the Bar. One incident in my own life I must refer to. I had chosen to go to the Chancery Bar - or perhaps it had been chosen for me. But before committing myself irrevocably I thought that I would see what circuit life was like. Accordingly I joined the Oxford Circuit and went one morning to Reading, the first town at which an Assize was held. But no sooner was I there than I was assailed by the thought that I, who knew absolutely nothing of criminal law and practice except so much



as had enabled me to scrape through my Bar exam, might be given a brief by some solicitor to whom the name of Simonds was well known. I therefore hid - I will not say where - until the danger was past. Then I went into court to observe, which was all that I meant to do. I went too to Stafford where no danger threatened me. The good fellowship of a circuit mess attracted me, but I decided in favour of a London life and the Chancery Bar. That was the end of my connection with the Oxford Circuit except that many years later they were good enough to give a dinner to me and two other members of the Circuit, Fred Wrotters-ly and Shakes Morrison, to Fred and me upon our appointment to judgeships and to Shakes upon some ministerial appointment.

Now in the summer of 1914 came the Great War which was destined to affect our lives so deeply. I was then nearing 33 years of age and at first it seemed unlikely that married men of that age would be required for foreign service and for the time being I was content to serve as a special constable - doing my weary round in the purlieus of Westminster. But soon it became apparent that I and others in like case would be wanted, and so in the late autumn of 1914 - reluctantly, for I hated to leave my wife and anyway was not of a martial disposition - I joined the Reserve Territorial Battalion of the Royal Berkshire Regiment, which was then stationed at Maidenhead. I was gazetted second lieutenant with a minimum of military knowledge and training. It was a strange life which I endured rather than enjoyed. We had very little equipment - in everything, it will be remembered, the territorial battalions were postponed to the so-called Kitchener Army. Moreover the War Office appeared to be unable to decide whether we should be an independent cadre and eventually take our place in the line or should be strictly a reserve battalion to feed the first battalion as required. At last the first choice was made but it was not my fate to go abroad with my battalion. From Maidenhead we went to Northampton and from Northampton to Chelmsford and from Chelmsford to Salisbury Plain. This was our last training ground and we were now



brigaded with two battalions of the Oxford and Bucks Light Infantry and a battalion of the Gloucester Regiment. I had in the meantime become a machine gunner and was appointed Brigade Machine Gun Officer. This was before the Machine Gun Corps was formed and the Brigade Machine Gun Officer was rather a swell, for the importance of machine gun fire was recognised. At Chelmsford I had lived at Brigade Headquarters which established itself in a charming house at Great Baddow. Our occupation of it did not do it any good. We were not fortunate in our Brigadier, a Birmingham auctioneer, who was superseded when we went to Salisbury Plain. But on the whole I have happy recollections of those days. In August 1915 twin sons were born to us at Knutsford where my wife was staying with her parents. When she was well enough to travel I took a house at Great Baddow for her. They were precious hours for in the background of our thoughts was the knowledge of our impending departure overseas.

Now we were on the Plain. We had let our house in London and my wife and children were living either with her parents in Knutsford or mine at Audleys Wood. There was still a period of training but at long last in the spring of 1916 all was set for our departure for France. At that very moment I was laid low with a severe attack of diphtheria. There had been several cases of measles among the troops and presumably for that reason my illness was diagnosed as measles. The consequence was that I was not given the usual anti-toxin for some days and was the more seriously ill. The brigade went to France without me and all too soon was thrown into a so-called holding attack on the Aubers Ridge and suffered heavy casualties. I spent many weeks in the isolation hospital at Tidworth and after several medical examinations was invalided out of the Army. My heart was said to be gravely affected - a not uncommon after-effect of diphtheria. I can only suppose that too pessimistic a view was taken of my condition for, though, when I tried to get back into the Army after the disaster in the spring of



1918, I was again rejected, I have not in all the subsequent years suffered any inconvenience nor have I spared myself in work or play.

There I was then in the summer of 1916 cast adrift after nearly two years training - certainly a bad bargain for the War Office. I will say nothing of my own mixed feelings, relief that I could live out my life with my wife and family and disappointment, which has ever since been with me, that I could not be with my fellows in the trial of war. I spent some months either at Audleys Wood or Knutsford and then returned to London where I hoped to get some civilian war work, for I was reluctant to return to the Bar while my contemporaries were elsewhere engaged. For some time I worked in the Treasury Solicitor's office sharing a room with A. T. Carter a well-known Oxford don and authority on constitutional law. Professor Pearce Higgins was also working there. He was an expert on international law, a subject derided by Carter. One day after some flagrant breach by the Germans of that law Pearce Higgins entering our room was greeted by Carter: "There is no such thing as international law and Piggins is its prophet." That seemed to sum up the situation.

It must have been some time in 1917 that I returned to my chambers in Lincoln's Inn. Austen Cartmell for whom I had devilled before the war was overwhelmed with work. As Crown counsel he was concerned with all the consequences of the Trading with the Enemy legislation. He had also suffered a grievous private calamity, both his sons having been killed at the front. He wrote asking me to go back and help him and I did so.



I do not think that I thereby gained any undue advantage over those who were still serving in the forces.

At about the same time we took a house at Weybridge in order that the small family might be out of the danger area. For at that time there was a scare, not wholly unjustifiable, that London would be subject to heavy bombing attack. It will perhaps seem negligible to those who suffered in the second war, but there were a good many nights when there was an alarm and the children had to be taken downstairs from the nursery to a lower floor and a few nights when bombs actually fell. Lincoln's Inn Chapel still shows the scars. From Weybridge I went every day to my chambers - not very happily, for all the time there was the nagging thought of friends and comrades engaged in the bitter struggle across the Channel. As I have said, I tried in vain to get back in 1918. I tried too to join my friend Claud Kirby who, under the authority of the R.A.F., was running an experimental factory at Battersea, at which a number of inventions were being tried out - some of them with conspicuous success. But that too came to nothing. Claud was a friend from Oxford days. His father was a prominent junior at the Chancery Bar and thought that the proper, if not the only, life for his son was to follow in his footsteps. The result was a life frustrated by filial piety. Claud did join the Chancery Bar and hated every hour he spent in Lincoln's Inn. He had a real genius for mechanics and handicraft, but it was only upon the outbreak of war that, being rejected for active service, he found an outlet for his talents and eventually became head of a large establishment at Battersea. His father died during the war and when it was over he abandoned the law and lived with his mother and sister in the country, experimenting in all manner of things, stage lighting, printing, boat building and I know not what. He was a friend very dear to me and was godfather to one of our boys.

My father died in the autumn of 1916 and my mother lived on at Audleys Wood. It was a difficult time for her. My father had with the aid of a bailiff run a home farm of some 200 acres,



and, my elder brother being more than fully occupied with business, it fell to me to exercise a general supervision over farming operations. It was, of course, a farce, but, finding out by cross-examination what was the bailiff's opinion upon any matter, I adopted it as my own and pontifically directed what should be done. The farm paid its way and I gained a little useful knowledge.

During the last year of the war another interesting job came my way. Rendall, the headmaster of Winchester, rightly or wrongly determined that, before the war ended, plans for a war memorial to the Wykehamists who died in the war should be begun. Meetings were held and a committee was set up, of which I was secretary, to consider the form that the memorial should take. Suggestions were invited and flowed in. Of Wykehamists it may be truly said (notwithstanding the common view that they conform to a single type) quot homines, tot sententiae. It was a substantial task to sort out for the committee's consideration the bewildering number of ideas put forward by old Wykehamists - often with a fervour which did not admit the possibility that another idea was a better one. Eventually the committee, under the guidance first of Lord Selborne and then, when he became warden, of Harold Baker, but inspired always by Rendall's zeal and determination, decided in favour of the cloister designed by Herbert Baker which when it was built was generally admitted to be one of the most beautiful war memorials in the country. It was gratifying to me that many of those who had advocated a more utilitarian form of memorial acknowledged the spell of its beauty. The voluminous minutes of our proceedings which I kept are now in the college archives.

It is time for me to return to Lincoln's Inn, where I worked very hard for Cartmell with little immediate profit to myself. The business of the law went on as before, as it more remarkably did during the second war also. Barristers no longer wore top hats to their work - that at least was an outward change. Nor did they resume them to celebrate the peace. I must except my



good friend that sturdy individualist, Charles Harman, who regards that headgear as the venerable symbol of his profession. In one respect I was lucky. Amidst the spate of litigation arising out of the war was work in the Prize Court. The Treasury-Solicitor was in charge of that work, subject, I suppose, to the direction of the Attorney-General, and the Treasury-Solicitor was Sir John Mellor, a cousin of my wife, who by an act of kindly nepotism gave me a number of briefs in the Prize Court. In addition to a welcome addition to my income this provided me with a fascinating study which was altogether out of the ordinary run. It had one particular advantage for me that it brought me into touch with the Attorney-General of the day, Gordon Hewart, afterwards Lord Chief Justice of England. He had in his early days at the Bar received some kindness from my father-in-law, a leader on the Northern Circuit, and it was typical of him that he never forgot it and took a kindly interest in me. It must be said too that he did not easily forget an injury or a supposed injury. Unedifying squabbles with a Lord Justice and the Lord Chancellor's permanent secretary were a result of that weakness. As an advocate he seemed to me to be in the very front rank. He had the qualities which I most admired then and later when it was my fate to listen to much advocacy from the Bench. He went unerringly to the real point of a case, ruthlessly discarding any argument which he thought unconvincing. It was an intellectual treat to hear him expound his case with equal clarity of thought and felicity of language. I must contrast with Hewart an advocate of a later day who shall be nameless. He was arguing a case before me in which within a short time I thought he had a point that was unanswerable. In vain I waited for him to make it and at last after listening to interminable arguments on the fringe of the case I said to him: "But, Mr. X, surely your best point is this?", and put it to him. "Yes, my Lord", he replied, "that is my best point and I was coming to it. I always keep my best point to the end." Tableau - I commend to young advocates the example of Gordon Hewart not of Mr. X.



But, if Hewart was a great advocate, as a judge he fell short of the high expectations which had legitimately been formed of him. I have often heard it said that it does not follow because a man is a good advocate that he will make a good judge. Of course it does not. But on the other hand I have known very many instances of men who have <sup>sh</sup>done both at the Bar and on the Bench. A long list unrolls itself before me, Russell, Romer, Tomlin, Maugham, and many others who were leaders at the Chancery Bar and afterwards were judges of the highest distinction both in courts of first instance and in the highest appellate tribunal. Rare instances to the contrary must be admitted and I would put Lord Hewart first among them. Too often he forgot the trite saying that justice must not only be done but must be seen to be done. Quick to come to a conclusion, and unwilling thereafter to keep an open mind, he inevitably gave the impression of partiality and prejudice. He became in effect the advocate of the view which he had prematurely formed. I set this down reluctantly. It does not diminish the gratitude that I owe him.

These desultory reflections have sprung from my incursion into the Prize Court and consequent meeting with the Attorney-General. In November 1918 the war ended and members of the Bar drifted back to their profession, among them Wilfrid Greene to whom the old tag was particularly appropriate - nihil tetigit quod non ornavit. A scholar of Westminster and Christ Church Oxford and fellow of All Souls, he was a year or two junior to me at the Bar but soon outstripped me and all other of his contemporaries. By a happy coincidence the battalion which he joined was brigaded with mine and I saw much of him during the long years of training. His great qualities of heart and mind bound me to him in a friendship which endured until his death. Many, alas! did not return, amongst them Cyril Hartree with whom I had at one time shared a room. It was soon after the end of the war that my fortunes changed. Austen Cartmell became seriously ill and it fell to me and to a lesser extent to



Harold Danckwerts to devil his very large practice. A substantial part of it was concerned with the Trading with the Enemy legislation to which I have already referred. Of this I had a specialised knowledge and it resulted that, when Cartmell died, I succeeded him as junior counsel to the Board of Trade in that work. And from that in turn it came about that I was appointed junior counsel to the Treasury and Board of Trade in matters arising out of the Treaty of Versailles. I was also junior counsel to the Board of Trade in foreshore cases, no great volume of work but of exceptional interest. It involved research into ancient charters and other documents and I learned for the first time what artists the monks of the Middle Ages had been at forging charters in support of their titles.

I had by this time left Cartmell's chambers where I could not get a room to myself and was given one in the chambers of W. R. Sheldon, where I stayed, though not always in the same room, until the end of my time at the Bar. Sheldon was a devoted old Wykehamist, and an old college man at that, and had taken a kindly interest in me. He was a learned lawyer but had been content to remain a junior all his life, one of those barristers of whom Theo Matthews in his "Forensic Fables" had made kindly fun, men of learning and integrity imbued with the best traditions of the Bar but by nature not equipped for the life and labour of an advocate in the courts.

I have referred to the work arising out of the Treaty of Versailles and that gives me the opportunity for reflection. Under that and other treaties and the relevant orders in council tribunals were set up (mixed arbitration tribunals) whose duty it was to determine claims of British nationals arising under various clauses of the treaties. The tribunals were composed of a national of a neutral country who acted as president and a British and, in the case of the Treaty of Versailles, a German national. The president of the first tribunal was a Mr. Eugene Borel, a distinguished Swiss judge: the British representative was Roland Vaughan Williams: the name of the German representative I forget. It happened that I was counsel in the first case



that came before the tribunal. It was a novel experience. I had been accustomed in our courts to observations from the Bench - I will not call them interruptions - which could be very helpful if they were not too frequent. But this tribunal sat from first to last in stony silence. I did not know in the least whether they followed and understood what I said - particularly as I spoke in a language that was foreign to two of them. And when I sat down I was left with the impression that I might as well have been speaking to a stone wall. I had a great many cases before the tribunals set up under this and other treaties and never failed to find it a disconcerting experience. What then shall I say of those judges who go to the other extreme - the "talkative judges" Bacon's "tinkling cymbals"? I would not speak too hardly of them, for I know that their talkativeness arises out of their zeal to reach the truth. I know too how hard a lesson it is to learn not to interrupt and fear that I may myself have too often forgotten it. I remember walking back from the House of Lords with a prominent leading counsel who had been battered by ruthless interruption by a noble lord and his saying to me: "One thing I vow. If ever I become a judge, I will be careful about interrupting counsel". Within six weeks he was appointed a judge: within six months he was as "talkative" a judge as any on the Bench. I must add that within much less than six years he must have been given a hint of his failing. For he became a judge who gave counsel by pertinent questions just the help that he required. That there is a happy mean between silence and talkativeness I have no doubt. Truth can be hammered out upon the anvil of question and answer between judge and counsel. Misunderstandings can be avoided and proceedings can be shortened if the court indicates its acceptance of an argument. It is sometimes the case that only by fraudulently appearing to accept an unacceptable argument can the court put an end to the loquacious zeal of counsel.

I have been speaking of talkative judges sitting by themselves. What of those who become members of an appellate court



of three or five judges? Then it is to their colleagues as well as to counsel that they are objectionable. I will tell a tale of the Judicial Committee of the Privy Council of which Lord Carson was a member. A youngish counsel had been harassed by interruptions and was plainly ill at ease when Carson intervened to say: "Mr. X this, I think, is your point", and put it clearly to him. To this Mr. X replied: "I am greatly obliged to your Lordship for putting my case so much more clearly than I have been able to do". "Ah!", said Carson, "but then, Mr. X, you see, I was not interrupted." And here is a tale of the House of Lords with Lord Dunedin presiding and Lord Blanesburgh sitting with him. Wilfrid Greene was addressing the House and was somewhat labouring a point on which Lord Dunedin thought enough time had been spent, but Lord Blanesburgh was still questioning. So Dunedin said to Wilfrid: "Mr. Greene, I think we fully understand this point", to which he replied: "Yes, my Lord, but I should like, if I may, to try to persuade Lord Blanesburgh", to which Dunedin, with a savage glance at Blanesburgh, replied, "I don't think you will persuade him, and it doesn't matter whether you do or not." I do not recall in all my days a similar instance of judicial discourtesy. But Lord Blanesburgh could drive his colleagues round the bend by his interruptions which often became speeches filling half a page or more of the transcript. I am a little ashamed of this, for he was the most generous of men to whom many a young man at the Chancery Bar and not least I myself owed a debt of gratitude. How can I leave him without telling a story, no doubt apocryphal and probably the fruit of Theo Matthews' wit? It was a short case that he was hearing and plaintiff's counsel had opened the bare facts. Younger, J. (as Lord Blanesburgh then was) at once intervened saying: "Mr. X, I think that this will be your case", and proceeded to state it at length. Mr. X, a discreet counsel, said: "Your Lordship has stated my case so well that I can add nothing", and sat down. Mr. Y, defendant's counsel, had barely risen from his seat when Younger, J. said: "Mr. Y, I think that your answer to Mr. X.



will be this", and again at some length stated the answer.

Mr. Y, no less discreet, said: "That is indeed my answer and I have no more to say", and in his turn sat down. Whereupon the judge said: "And now I will tell you why you are both wrong!", and proceeded to do so at even greater length.

My memory has led me to say too much of talkative judges. Video meliora proboque. Alas! it may be that deteriora sequor.

The years from 1919 to 1924 were busy and profitable years. In the latter year I was to become 43 years of age and, if ever I was to "take silk" (i.e. to become a King's Counsel), the plunge must soon be taken. It was for me on the face of it a greater risk than for most; for the great proportion of my work had been official: I had not a large number of private clients upon whose continued goodwill I could rely when I was called within the Bar. However, I consulted friends, among them Mr. Justice Eve - already the senior judge in the Chancery Division and destined to remain it for another thirteen years - and with their encouragement applied to the Lord Chancellor for a patent of King's Counsel. I never pass the pillar-box at the bottom of Bell Yard without recalling the spasm of regret that I felt as soon as I had posted my application. In due course I was notified that it has been granted and on the appointed day went to the Lord Chancellor's room at the House of Lords with the other new silks, there to take the traditional oath before the Lord Chancellor, Lord Haldane. It was a solemn occasion, but he did not take the opportunity to address us upon our duties and to wish us well, as was done by later Chancellors, including myself. Maybe he thought our chances were gloomy. He was right about some of us, but he was wrong about one at least, Norman Birkett, whose success was immediate and sustained. We then, according to custom, went to the Law Courts and in each court in turn were called within the Bar. Thus in the month of April 1924 at the age of 42 I became a fully-fledged King's Counsel. There had been a time when I thought a King's Counsel a very important person. At that moment I thought little of his importance. I wondered anxiously whether I was thrice an



an idiot in giving up a substantial income as a junior for the doubtful chances of success as a leader. For I had a wife and twin sons to support.

To my home life I must return. During the last laborious years I had given too little time to home and family. Even during Saturday and Sunday there had been little respite. I laid too heavy<sup>a</sup> burden on my wife, which she, notwithstanding severe illnesses, uncomplainingly bore. Fortunately there were vacations and after 1919 I had taken the whole of the long vacation off. I am reminded of the long vacation of 1919. I had during that vacation a quite exceptional brief in a case which lasted several days. It arose out of a dispute between trustees in regard to a very large financial transaction. The trustee who caused all the trouble was named George Bush. Out of my fees I bought my wife a handsome fur coat which was appropriately christened "George Bush". A stranger might have been puzzled to hear my wife say: "Will you, please, get George Bush out of the cupboard?"

We usually spent the shorter vacations either at Audleys Wood or at Knutsford: a substantial part of each long vacation was spent at the seaside in houses taken by my father-in-law at Deal or Walmer or Seascale or, on one occasion, at Bamburgh Castle. We occupied the ancient tower which some of the party found very spooky. To me it was an enchanting place. I never tired of watching from the battlements the sea birds, gannets and kittiwakes, diving for the fish. In the distance we looked one way to the Northumbrian hills and the other to Holy Island, and in both directions we made expeditions. But mostly we played golf and the boys sported in the rocky pools on the sea shore. Lindisfarne <sup>Castle</sup> ~~Abbey~~ on Holy Island was not then but is now owned by my friend Edward de Stein. Let me say something about him though our friendship began at a later date. For these recollections, if they do nothing else, bring home to me how much my friends have meant in my life. Edward was at Eton, where, notwithstanding that he is not a giant (will he forgive me?),



he was a most notable footballer, and a scholar of Magdalen College Oxford. Leaving the university he was called to the Bar but soon left it for the City, where he built up a substantial merchant banking business now amalgamated with Lazard & Co. He served in the war with gallantry and, while in France, wrote a number of poems mostly first published in "Punch" but afterwards collected in a volume called Poems in Picardy. They were justly praised by the critics and have an honoured place on my shelves. This was not his only talent. His sketches in water-colour are admirable, he does fine petit-point work and until his fingers became arthritic played the piano with distinction. And always in the background - or should I say the foreground - is a passionate zeal for human welfare which has led him to give generously of time and money to boys clubs and other charitable endeavours. Last and I will not say least he is the owner of a charming cottage and one of the loveliest stretches of lovely Itchen where he shows unlimited hospitality to his friends of whom I am proud to be one. I salute you, Edward! We will meet again if ever I come to tell the tale of happy days on moor and river.

I have omitted to mention holidays spent with my wife's uncle and aunt in Cumberland. That is ungrateful of me, for from the time of our marriage, their house, Brackenburgh Tower, which lies between Penrith and Carlisle, was open to us. The story of that house is an epitome of English social history in the twentieth century. Originally a so-called a peel tower, such as was built long ago for defence against raids from over the Border, it was in the early 1900's enlarged at great expense into a very capacious mansion. The architect was Lorimer and it was considered a fine example of his domestic architecture. There it stood on high ground in a large park with magnificent views northward to the Cumbrian fells and southward to the Lake country. Fifty years later a large part of it was pulled down: the owner could not face the cost of maintaining it even if staff had been available. But in the time of which I speak it



was still untouched and we ever had the kindest of welcomes.

The time was now come to say goodbye to governesses, and the boys at the age of nine, small and delicate that they were, were preparing to go to a private school. We had chosen Horris Hill near Newbury, a well-known preparatory school for Winchester, which was then run by Mr. Stow, a contemporary of mine in college at Winchester. In due course in September 1924 we took them there - two forlorn little boys, but not, I think, more forlorn than we, who, as we returned to our empty home, could not but think how much was to be said for the continental view that it is a barbarous English custom to take children at a tender age from their home and commit them to a stranger's care. In many ways an admirable school, it was spartan in its view of the needs of youth and Gavin at any rate would have been the better for less rigid treatment. They spent four years there and I will only tell one story of them. It must have been shortly before they left that we promised them £100 if they did not smoke until they were twenty-one. Their faces lighted up - is not £100 a vast sum to a boy of twelve - then darkened as they asked: "Does it count having smoked already?" And so it appeared that at school a cigarette had from time to time been produced by one of the boys and passed round puff by puff to those who ventured. We were able to reassure them. But the amusing aspect of it was that Stow, when, after they had left, we told him the story, just would not believe that such a thing could happen in his school. The best of headmasters does not know everything about his boys nor suspect how much they know about him.

We returned then to our empty home - no longer in St. George's Road, Pimlico - for we had recently taken a charming house in Chelsea - 12 Ormonds Gate, which overlooked Burton Court and was conveniently close to Chelsea Gardens. My rising income at the Bar had justified a move which we did not regret. But I was still anxious whether as a King's counsel I could maintain it. It was a great relief to be quit of the intensely