laborious paper work which a junior at the Chancery Bar must undertake. An irreverent friend described practice within the Bar as the Saloon Bar after the jug and bottle entrance. But I had seen too many successful juniors fail as King's Counsel to be altogether happy. However all was well. I had attached myself - as the practice then was - to the court of Mr. Justice Tomlin, where the competition was not very severe, and I was able to keep my end up and when, as shortly afterwards happened, we put an end to the closed system and every Chancery Court was open to us all, my practice increased largely. This was an era of judges of exceptional ability in the Chancery Division, Russell, Romer, Tomlin himself, Sargant, Clauson and Eve and a little later Maugham. Four of them became Lords of Appeal in Ordinary, a fifth, Clauson, became a Lord Justice and on his resignation was made a peer and frequently sat judicially in the House of Lords, a sixth, Sargant, became a Lord Justice: Eve alone was not promoted and remained for what must have been almost a record time a Judge of First Instance. Let me in parenthesis explain the expression "Lord of Appeal in Ordinary" which puzzles many people. It is simply this, that every Lord of Parliament is a Lord of Appeal since the House of Lords is historically and constitutionally the ultimate Court of Appeal. It is indeed not so long ago that peers who had no judicial knowledge or experience sat and took part in judicial hearings. But in the latter half of the nineteenth century this practice had rightly fallen into desuetude with the result that there were not enough peers, who were qualified, to make a quorum. The problem was solved by the creation as life peers of a limited number of persons of the necessary experience who "ordinarily" sat to hear appeals. They were thus Lords of Appeal in Ordinary.

Let me return to the galaxy of talent which adorned the Bench when I took silk. As I have said, Eve, J. was the only one of them who was not promoted to a higher court. For over thirty years he sat in the Chancery Division. But let it not be thought that he was anything but a very good judge. It is so often the

merest accident that prevents promotion - just the chance that, when there is a vacancy, there is someone else who has a slightly better claim. Perhaps too Eve's peculiar merit stood in his way, for as a judge of fact, assessing the value of this or that man's testimony and marshalling the evidence, he was in the front rank. His proper place was therefore in a court where he could see and hear the witnesses. His humanity and wide knowledge of men and things enabled him to detect unerringly whether a witness who appeared to shuffle and be ill at ease was really suffering from an anxiety to tell the truth and nothing but the truth. That is no easy task. But woe betide that brash witness who hoped by a confident bearing and ready speech to deceive the court. Short shrift he got! It must be admitted that in his later years Eve displayed one fault. The atmosphere of a court is apt to be stuffy and some cases are very dull and some counsel's voices are very monotonous. Thereby somnolence is induced. Eve too was of full habit - too mild a statement that will seem to those who remember how proudly he carried his mighty stomach. The result was that he sometimes went to sleep on the Bench. But he was artful enough, for he knew how to appear to be asleep when he was really awake, so that one never knew at what moment consciousness had returned. I remember a frivolous occasion - a dinner party with Lord Maugham - when conversation turned to the difficulty of keeping awake after lunch . Eve sat silent while various light-hearted suggestions were made and then broke in with: "Can anyone suggest a remedy for a poor old man who is incurably sleepy by a quarter to eleven?" The court sat at half-past ten. He retired in 1937 and died soon after. I was appointed in his place but of that I will tell hereafter.

I must not let my pen run away with me when I write of those other judges I have mentioned. It appeared to me then and it appears to be now after nearly twenty-five years' experience on the Bench that they possessed in the highest degree every judicial quality. When Lord Maugham died and customary

tributes were paid to him as an ex-Lord Chancellor in the House of Lords I took the opportunity of saying that perhaps chief among his shining excellences was a passion for justice. So it was with them all. Other qualities of heart and mind they had in full degree. But the end of it all was to do justice and to be seen to do justice. I must be forgiven for repeating that trite saying. Trite indeed - but every judge should have it pasted on his looking-glass. They were so human too. The public image of a Chancery judge is of a dry-as-dust sort of man immersed in more or less unintelligible problems. It may once have been true though I doubt it. It was manifestly untrue of those of whom I speak. Though I was younger by half a generation I was privileged to count them as friends and with two of them, Russell and Maugham, I eventually sat to hear appeals in the House of Lords. I should like to think that I learned something from their wisdom and humanity. Of Russell I wrote at some length in his old school magazine and I have contributed an article on Maugham to the Dictionary of National Biography. I will say no more of them.

For thirteen years I practised as a silk, for two years mainly in Tomlin's court and after that wherever my services were required. I was lucky enough to get many briefs in the House of Lords and the Privy Council and was in the last four or five years seldom in the Chancery Division which was my proper home. I do not propose to make this record a catalogue of my cases but some memories press upon me. One of the few occasions in which I strayed into the King's Bench was a case which was tried by my old friend of New College days, Mr. Justice Lawrence, later Lord Oaksey. It was almost the first, if not the first, case that he tried, and his father Lord Trevethin, formerly Lord Chief Justice, came into the court to see how he got on. The old judge was very deaf and standing at the end of the row where I was sitting began to talk to me in a voice which, as so often happens with deaf men, was not reduced in volume to meet the occasion but resounded through the court. The usher hurried along to rebuke and, if

necessary, to remove him, then fell back in alarm when he recognised the speaker. I cannot leave Geoffrey Lawrence without a further word. Today he is one of the few survivors of my Oxford friends. We had rooms opposite to each other in New College Garden Quad. He was, I suppose, lucky in that he started with good legal connections, not least a family friendship with Sir Robert Finlay who took him into his chambers. But let no one believe that that sort of advantage can procure lasting success at the Bar. It can, of course, give a man an early start, though that is not always beneficial if it comes before he is fit for the race. But soon, very soon, he will be found out if his merit is not equal to his opportunity. Geoffrey Lawrence was equal to his and after a successful career at the Bar became a judge, a Lord Justice and a Lord of Appeal. As a judge and particularly as a criminal judge he was universally esteemed. He was said too to have a genius for so arranging his work on circuit that he found ample time to visit his charming home in Wiltshire - but of that I know nothing. His chief claim to fame will ever be that he presided at Nurenburg at the trial of the so-called war criminals. Opinions differ and will always differ about the propriety of those proceedings, but of Lawrence's own part in them no doubt has ever been entertained. His dignity, his firmness and conspicuous fairness won tributes from a world press and enhanced the general reputation of British justice. But I have painted only one side of his character. I could recall a day at Oxford when, walking in the country, I saw someone in grave difficulty driving a tandem, the leader having turned round to face the driver. Who was the driver but the future Lord of Appeal then engaged upon an unlawful adventure. He was a horseman too, hunting with (I think) the Duke of Beaufort's and riding in the Bar Point-to-Point. And he was a good golfer, captaining the university team. But his chief love was his farm where for many years he kept a pedigree Guernsey herd. He was a familiar figure at agricultural shows where as a judge of cattle he was widely respected. A full life

- and now full of years but, young in spirit nor bent with age, he remains one of the few friends to whom one can recall the past with those happy words - "Do you remember?"

Another case reminds me of other friends. It is the Portuguese Bank case which made a great stir at the time. The question in a nutshell was whether the bank had suffered damage by the negligence of the printers, Waterlow & Co., in printing notes of the bank of Portugal without proper authority. The Court of Appeal had by a majority (Scrutton, L.J. dissenting) held the printers liable in a sum of £610,000. They appealed to the House of Lords and I, who had not been engaged in the lower courts, was taken in to lead for the printers with Birkett and others as my juniors, while Stuart Bevan, Donald Somervell and Hubert Parker (a formidable trio) were for the respondents. It was a great battle. In opening I addressed the House for twenty-five hours and, if that seems too long, I must plead that I met from first to last with the open hostility of one of their Lordships who failed to disguise that he had made up his mind before I began. I can remember no case in which judgment was so long reserved. After many months the fatal day came. It was a tense moment as we sat at the Bar of the House, I and my professional and lay clients. First the Lord Chancellor (Lord Sankey) gave his opinion - £610,000 damages. One - love. Then Lord Warrington - no damage proved. One all. Then Lord Atkin - £610,000 damages. Two to one. Then Lord Russell of Killowen - no damage proved. Two all. Last of all - and now I had a horrid feeling that we were beaten - Lord Macmillan - £610,000 damages. Three to two! And that was that! I have never been persuaded that the majority were right, but it was really an economic question upon which economists have been divided ever since. Norman Birkett who was my junior had been content to leave the case to me. It certainly was not his sort of case. He was undoubtedly a great advocate with a jury. A voice and manner of singular charm made him what used to be called a "spell-binder". And his profound knowledge of the Bible and much classical literature

found for him the felicitous word or quotation. I would not deny that the most austere tribunal may be influenced by these gifts and would urge any young advocate to cultivate them. But they are not enough and Norman was but sparingly endowed with other qualities. He sat for some years in the Court of Appeal without delivering a judgment that is likely to be quoted: I wish he had not kept a diary or at least that after his death extracts from it had not been made public. For therein he appeared a lesser man than we had thought him.

The first of my opponents, as I have said, was Stuart Bevan, upon whom the gods had bestowed every gift. I found in him the perfect advocate. He had a penetrating mind and fine judgment and withal a perfect forensic manner in which suavity and firmness were nicely blended. The exquisite courtesy with which he treated opposing counsel did not make him a less deadly opponent. Next was Donald Somervell whom I then knew but slightly but who afterwards became one of my nearest friends. It was my good fortune that I was able to advise the Prime Minister to recommend him for appointment as Lord of Appeal in Ordinary. The Prime Minister was glad to do so, for at Harrow he had learned English History at the feet of Donald's father and in his letter to Donald asking whether he might submit his name to the Queen he added: "I should like to 'show up' this letter to your father". Thus Donald, after a successful career at the Bar and in politics - he was a law officer first as Solicitor then Attorney-General for a record time - and a term as Lord Justice of Appeal, became a colleague of mine in the House of Lords. Alas! he died too soon after a long and painful illness. As an advocate he studied the art of moderation which can be very persuasive. It invites the tribunal to put more cogently an argument which has been presented with diffidence. As a judge he was quicker to detect and expose a fallacy than anyone with whom I sat - and let me here anticipate later events by saying that I sat judicially in the House of Lords with over twenty-five Lord Chancellors and Lords of Appeal. As a companion, who

was his equal in finding the apt quotation or capping a good story with a better one? He brought back youth and laughter to old age. Yet much sorrow had been his. The third of my trio was Hubert Parker now Lord Chief Justice of England. His father had been "Treasury devil" on the equity side when I went to the Bar and became Mr. Justice Parker and then a Lord of Appeal with the title "Lord Parker of Waddington" which his son has now assumed. To my generation he was an idol and I will chance my arm by prophesying that he will always rank with Lord Cairns and Lord Selborne as one of the great judges in equity. Hubert followed his father but on the common law side. He too became a judge and it was my fortune to recommend his promotion to the Court of Appeal. His subsequent elevation to his present high office was after my time. He has filled it with rare distinction.

The Portuguese Bank case has carried me far afield. Let me come to another case which my memory treasures. It too is likely to lead me into many bypaths. Towards the end of my time at the Bar I received the general retainer for the Commonwealth of Australia in Privy Council cases. This meant that in any appeal to the Judicial Committee in which the Commonwealth was concerned I was entitled to be briefed. Questions of great constitutional importance were often involved - and of great difficulty too, particularly to English barristers who were unfamiliar with the problems arising from a federal constitution. No section of the Commonwealth Constitution Act has caused more trouble than section 92. At the mention of it every Australian lawyer draws a deep breath. And it was just this section that confronted me in almost my first appearance for the Commonwealth. But relief was at hand. For it happened that the Attorney-General of the Commonwealth was over here on a political mission and took the opportunity of conducting the case (as Attorney-General he led me though I was his senior in silk). His name was R. G. Menzies. Thus began an enduring friendship so that thirty years later on my 82nd birthday I had a cable from him saying he was thinking of me with affection - and this at a time when he had much else to think

of, for he was immersed in a general election from which he emerged unexpectedly triumphant. His speech on this occasion was described to me by Lord Russell of Killowen as the best he had ever heard in the Privy Council. I was well content to sit and listen. For ever after he liked to refer to me as his "learned junior" particularly when I became Lord Chancellor and he was able to say "my learned junior, the Lord Chancellor", as he did in a speech he made at a farewell dinner given at No.10 Downing Street to the departing Prime Ministers after the Coronation. My pen must not run away with me as I write of him. His story is written large in the history of the Commonwealth over the last twenty years - the Right Hon. Sir Robert Menzies, K.T., C.H. I think rather of Bob Menzies spell-bound by the beauty of a spring day we spent together at Winchester.

Mention of the Judicial Committee of the Privy Council evokes many reflections. The Queen is the fountain and dispenser of justice. The judges are "Her Majesty's Judges". So it is that, wherever in lands acquired by settlement, conquest, or cession on behalf of the British crown courts of law have been established, an ultimate appeal lies to Her Majesty in Council. Such appeals are now in every case regulated by Act or Ordinance but, even where as a result no appeal lies "as of right", the aggrieved litigant can always petition for leave to appeal. I have used the present, but should have used the past, tense: for now in the greater part of the Commonwealth the right of appeal has been abrogated. But at the time of which I am speaking appeals and petitions flowed from every part of the world coloured red on the map to the Council Chamber in Downing Street where sovereign justice was delivered. The world saw nothing like it before nor will ever see it again. Perhaps the nearest to it was in the heyday of the papacy when from the whole of the christian world an appeal in ecclesiastical matters could be taken to Rome, but of this I write ignorantly. At any rate until the middle of this century it was the task of the Judicial Committee to advise the Crown in causes of the greatest diversity. From the great Dominions, from India and Ceylon, from Fiji

or Penang, from East or West Africa, from the West Indies and Honduras, from the Channel Islands, from Malta and Gibraltar aggrieved litigants sought justice at the foot of the Throne. I cannot but think that he would be dull of soul who, reflecting on these things, would not be proud that the British conception of justice and the rule of law had been spread over so large a surface of the globe. Different systems of law had to be considered and applied, the common law of England, the code of French-speaking Quebec, the Roman Dutch law of Ceylon, the laws and customs of India and so on, but always underlying them were those principles which we conceive to be the foundations of justice. Now one by one the nations of the Commonwealth have, for reasons good or bad, withdrawn, and of the great Dominions only Australia and New Zealand remain. It is my pious hope that lasting benefit has accrued to those nations which no longer come in the last resort to the Privy Council.

It is perhaps relevant here to observe that from time to time suggestions have been made that the Judicial Committee should be a peripatetic body, sitting to hear appeals in different parts of the Commonwealth. I remember rather vaguely hearing that the idea was bruited by Lord Haldane when he was Chancellor. It was to my knowledge put forward by Lord Simon and very seriously in recent years by Lord Kilmuir. I am utterly opposed to it and have expressed my views strongly in a memorandum which is no doubt to be found in the archives of the Lord Chancellor's Office. For the time being at any rate it is dead. It is in fact quite impracticable as anyone who tried to work out the mechanics of it would soon find out - a matter which I have studied with the aid of the Registrar of the Committee. But apart from its impracticability I cannot see that it would serve any good purpose. It cannot be supposed that the prestige of the Committee would be enhanced, if its members were seen face to face in whatever part of the Commonwealth they sat. The result might be exactly the opposite. The idea that in some way the bonds of Commonwealth would be strengthened is too nebulous to

be convincing. There have been occasions when distinguished judges from the Dominions have sat on the Committee. The names of Isaacs, C.J. from Australia and Duff, C.J. and Rinfret, C.J. from Canada occur to me. Very welcome they have been. But it is not permissible to argue from this that any country of the Commonwealth would agree to a final appeal to a court composed of judges from any other part - however much the idea of a jolly family party may appeal to sentiment.

One other reflection about the Privy Council and then I will have done with it - at any rate for the time being. The so-called judgment of the Judicial Committee is constitutionally the advice given by that Committee to the Sovereign. Therefore (unlike the opinions given in the House of Lords which may differ) there is one judgment only: the Sovereign is not to be perplexed by differing advice. The judgment is therefore that of a majority and may conceal the fact that a minority of the Committee dissent from it. And however vigorously they may dissent, however much they may dislike their names being associated with doctrine they regard as heresy, they have no remedy except to ask that their dissent may be recorded in a register which no one ever sees.

Work in the Privy Council was a considerable and perhaps the most enjoyable part of my life at the Bar. I did not really like so-called witness actions. I was not a good - I was a very bad - cross-examiner. There was always something distasteful to me in trying to strip a rogue of his cloak of honesty. Even more I disliked hearing my own witness being torn to pieces when he was trying hard to tell the truth and nothing but the truth. For me the serener atmosphere of an appellate court where witnesses were no more! But I must make an exception of one case which had an extraordinary climax. The plaintiff for whom I appeared was a strapping young Englishwoman who had (Heaven knows why!) married a miserable-looking little Belgian refugee. She had considerable property of her own, the whole of which she had transferred to him, and she claimed that she had done so

under duress. He had threatened and bullied her. When they went to bed he took a knife with him. At last she was persuaded to do his will and vest her property in him. Then she escaped from him and brought her action to have it restored to her. She went into the witness box and told her story well and was unshaken in cross-examination. Then came his turn and it soon appeared that he was the prince of liars, and, inexport as I was, I had little difficulty in utterly discrediting him. He left the court and I had begun to address the judge (Mr. Justice Tomlin) when a shot was heard in the corridor outside. An usher rushed in to say that he had shot himself in the throat. The judge with great presence of mind hastened to give judgment in the fewest possible words in order that the matter might be disposed of before he died. For if he died before judgment we should have had to start all over again. In fact he did not die but miraculously recovered and in due course stood his trial and was convicted for attempted suicide. Afterwards we heard that he had told his solicitors that if things went against him he would shoot opposing counsel and the judge. They thought so little of the threat that they did not even have him searched for a revolver. The judge and I agreed that in the end he had chosen a better target.

Let me now by way of contrast tell of a case with little human interest but of some political importance. For many years the Government of India had protested against a charge being made against their revenues for the maintenance of the British Army in India. The War Office and the Treasury sought to justify it by saying that that Army's primary function was to protect India's frontiers and its secondary one to preserve order in case of insurrection. They ignored, as it appeared to the Government of India, that that country provided a training ground for the British Army which nowhere else existed and that great sums were saved to the British Treasury by its use. The dispute went on for a long time and at last it was agreed to submit it to arbitration. The question then arose who should be the arbitrators and eventually a tribunal was chosen, the like of which

had never been seen before. It consisted of two Lords of Appeal, Lord Dunedin and Lord Tomlin, two judges from India, whose names escape me, and as President a distinguished Australian lawyer, Sir John Latham who later became Chief Justice of the High Court of Australia. I held the leading brief for India and Wilfrid Greene for the War Office. The argument lasted several days and ended in what I regarded as a triumph. The Tribunal reported in favour of a large reduction of the charge against India. I did not have a statue erected in my honour in Calcutta.

So I could go on telling of case after case over a period of thirteen years. But I doubt whether they would interest anyone except myself. I worked very hard. But never did I, like some of my friends, get up early and work before breakfast. I worked pretty late at night and did not go to bed until I had finished what I set out to do. And always when I had done it I read some frivolous book for half-an-hour or so - and so to bed and seldom did I lie awake thinking of the tasks that awaited me in the morning.

I have referred to a period of thirteen years. That is because I took silk in 1924 and in 1937 I was appointed a judge and my life was changed. But before I come to that event I have much to tell. They were momentous years overclouded by the rise of Mussolini in Italy and Hitler in Germany. And the worst of it was that there was nothing one could do except wait upon events. At any rate I did nothing and I do not know that I need be ashamed of it. My life was very full. Apart from legal work I sat on one or two committees which occupied a good deal of time. One in particular I recall which involved attendance at over fifty meetings averaging over two hours each and much reading as well. That was the so-called Donoughmore Committee on Ministers' Powers, presided over first by Lord Donoughmore and then by Lord Justice Scott. It was a subject of exceptional interest and the Committee, which included Sir Warren Fisher, Sir Claud Schuster, Sir John Anderson (as he then was) and Sir William Holdsworth, was exceptionally strong. Anderson

left us just before we concluded our proceedings to take up the governorship of Bengal. His profound knowledge of the administrative machinery of government and his gift of clear exposition won our admiration. Another member of our body was Harold Laski, a man whom I felt and feel it difficult to assess. He had great influence on the younger generation. He did not make any great contribution to our discussions nor did the quality of his observations justify the portentousness of his manner. But he had read widely and had a retentive memory and did not leave out of the shop window anything that he could put into it. A reader of the Holmes-Pollock correspondence will recall with amusement the different impact he made on those two very learned men, Mr. Justice Holmes and Sir Frederick Pollock. A sub-committee of three, Sir Claud (later Lord) Schuster, Lord Justice Scott and myself, was entrusted with the drafting of the Report and a hard job it was. Scott did the lion's share of the work, but even so I found it a heavy burden at a time when I was pressed with my legal work. Our draft was accepted by our colleagues with minor reservations by some of them. The only serious argument that I can remember was whether a quotation from a French author should be relegated from the body of the text to a footnote. It was solved by Sir Roger Gregory saying: "I don't see that it matters anyway what any Frenchman says about anything." John Bull had spoken. The Report had a public success and was long regarded as the authoritative text-book on that branch of the law.

It must have been soon after I had finished with this business that I became engaged in what was known as the Budget Leakage Enquiry. Beyond all doubt there had been a leakage of the secrets of the budget on the evening before, or the early morning of, the day on which the budget was to be presented to the House of Commons. It was imperative that the source of leakage should be discovered. Rumour with its thousand tongues in the lobby of the House and elsewhere pointed to a member of the Cabinet, J. H. Thomas. The Government decided to make use of the Tribunal of Enquiries Act and set up a tribunal to enquire

into the matter. Mr. Justice Porter (afterwards Lord Porter) and I and Roland Oliver, K.C. (afterwards Mr. Justice Oliver) were chosen. It was a painful affair. As I had occasion to say recently in the House of Lords, I never came to a conclusion with greater reluctance. But it became clear beyond all doubt to my colleagues and myself that Mr. Thomas had been guilty of divulging secrets in regard to an alteration of income tax and of tea duty to Sir Alfred Butt and a Mr. Bates and that he and they had taken advantage of that knowledge. The procedure of such tribunals has lately been under discussion. It is not yet wholly satisfactory but in one important respect it has been improved. In the enquiry of which I speak Donald Somervell, then Attorney-General, took a view of his duty with which for once I disagreed. He was satisfied to call the witnesses and let them tell their tale, leaving it to the Tribunal to test their veracity by cross-examination. This is flatly opposed to our idea of the judicial function. It is necessary sometimes in order to elicit the truth from a reluctant or evasive witness to be insistent and severe. The questioner will in such a case inevitably appear hostile to the witness and the appearance of impartiality, which is of first importance, will be impaired. I felt so strongly about this that many years later, when the resolution for appointing a similar tribunal in another case was before the House of Lords, I said that, if the Law Officers felt a difficulty (as well they might) about cross-examining their own colleagues, other counsel who were under no such disability should be employed. However, Sir Hartley Shawcross, who was then Attorney-General, took my view of his duty (I do not say propter hoc) and cross-examined with proper thoroughness and so in a still later case did Sir Reginald Manningham Buller (now Lord Chancellor Dilhorne) who was in some quarters undeservedly criticised for the firm way in which he questioned the witnesses. He did no more than his duty and did it admirably.

This defect in the procedure may be regarded as remedied. But there remains another. In the criminal law it is rightly

considered essential that the defendant should know exactly what is the charge that he has to meet. As Francis Bacon said in another connection (I am fond of quoting this!): "If the trumpet sound an uncertain note, how shall a man prepare for battle?" The subject-matter of an enquiry under the Act may not necessarily involve a criminal offence. But it may at least spell the loss of a man's reputation and perhaps the ruin of his career. It is therefore only fair that he should not be taken by surprise by evidence that is sprung upon him in the course of the enquiry and that, if it appears that he is to be charged with any offence, he should be given ample time to prepare his defence. This is a general prescription: the details must be worked out in each case. But one thing at least is clear: that recourse should be had to this Act as seldom as possible.

During this same eventful period I received an honour which gave me great pleasure. I was in the year 1933 co-opted a Fellow of Winchester College. It came as a complete surprise, nor had I thought it within my reach. Under the statutes governing the College the power of co-option by the Fellows (or is it co-optation?) is very limited. At that time only three places were so filled, the remainder of the Fellows being appointed by the universities of Oxford and Cambridge, New College, the Royal Society, the Lord Chief Justice and the staff of the school. Lord Grey of Falloden had been a co-opted Fellow and his death left a vacancy which I was proud to fill. He had loved Winchester greatly. It was his custom after attending a meeting of the Warden and Fellows, which he seldom missed, to dine at Brooks's and take the night train to his home in the north. It so happened that on what must have been his last visit - for he died shortly after - I too was dining at Brooks's. Rather to my surprise, for he was then very blind, he recognised me and invited me to join him. It was an evening I shall not forget. His mind went back to days at school and he talked of them with a simplicity and charm which those who have read his books would recognise.

The Warden of the College at the time of my election was my old friend Oswald Simpkin. That may have accounted for it or it may have been that Lord Selborne and Harold Baker, both of them Fellows, remembered my labours as secretary of the War Memorial Committee and thought that I deserved some reward. At any rate, I was duly elected a Fellow and in course of time became Warden of the College. I had best keep what I have to say upon these things until that event has happened.

I must return to the domestic scene, for here there were many changes. In 1925 my father-in-law died. He was taken ill in Paris on his way home with Mrs. Mellor from the Riviera. An emergency operation was necessary and he did not survive it. I was sent for but did not arrive in time to find him conscious. I was fortunate in finding in Paris an old friend of my mother-in-law who was able to make all the arrangements for the transport of the coffin to England and to deal with all the formalities which French law required. My mother-in-law then left Knutsford and after staying with us for a spell in Ormonde Gate took a house in Egerton Gardens. Then in 1928 my brother-in-law John Hare died suddenly. He was out shooting, complained that he felt ill and asked the other guns to do the next beat without him while he rested under a haystack. When they came back he was dead. He left his wife and five children. His affairs were in some confusion. In 1930 my mother too died and as I write the memories come flooding back of all that I owed to her. I cannot write of them. Upon her death my elder brother and his wife and family went to live at Audleys Wood. This made it more urgent that my wife and I should find a country home for our holidays. We spent many days looking for a suitable house in the Winchester area and eventually bought one in the little village of Sparsholt not far from Winchester. It was a charming Georgian house to which bad additions had been made. I may anticipate events by saying that I have recently sold it and hear that the purchaser has pulled down the additions and restored its former charm. But at that time the accommodation was no more than we required for

ourselves and the boys and our and their friends. The boys had in the meantime left Horris Hill and gone to Winchester. There they spent six years, John with greater distinction than Gavin who was always hampered by ill health. John played rackets for the school his partner being Gerard Noel the son of E. B. Noel, who had himself played for Winchester in my time and was the great historian of this game. Our house at Sparsholt was conveniently close to the school for visits lawful or unlawful.

I have gone too far ahead. For before we went to Sparsholt there were unforgetable holidays in many places. Twice at least we went to the very north of Scotland - a little place called Bettyhill at the mouth of the Naver where good fishing in loch and river were to be had. I had, too, some grouse shooting in the neighborhood of Ben Loyal and shot ptarmigan on the summit of that mountain. On other occasions we went again to Seascale and once to an unpronounceable place on the coast of Wales. Above all we spent happy weeks at the house of a friend Arthur Hoare of Ovington Park near Alresford. He lent it to us while he was at his moor in Scotland. It included a good stretch of the river Itchen upon which the boys and I spent most of our days. They became first-rate fishermen.

Now I return to the fateful day in 1937 when I was made a judge. The Lord Chancellor was then Lord Hailsham and from him I received a letter asking that he might submit my name to the King. I could only say "Yes" and I was glad to say it; for though it meant a large sacrifice of income I was then in my 56th year, I had worked desperately hard for some years, and the choice lay between accepting the appointment then and lingering on with perhaps a dwindling practice for some years. Moreover, if it isn't priggish to say so, I have always taken the view that, unless there are very strong reasons to the contrary, it is the positive duty of a barrister who is chosen for this high office to accept it. Judges can only be chosen from the closed circle of the Bar. The man who is chosen because the Lord

Chancellor thinks he is the best man for the job must do his part. Thus only can the administration of justice be maintained at the highest level, than which nothing is more important. (I assume and in these days am entitled to assume that a judge is chosen because he is the "best man for the job".) The judge whose place I took was Mr. Justice Eve whom I have already mentioned. His retirement had been expected for some time. It had perhaps been too long delayed, but he was regarded with such universal respect and affection that no one said so above his breath. The other judges of the Chancery Division were Clauson, Luxmoore, Crossman, Farwell and Bennett. It is a striking commentary on the standard of the judges of this time that Clauson did not appear to excel. He was in fact a man of great attainments and, if he had not had such men as Russell and Maugham and Romer and Tomlin for his rivals and contemporaries, he must have reached the highest Tribunal. He became a Lord Justice soon after my appointment and upon his resignation was made a peer and often assisted in the judicial work of the House. Luxmoore, greathearted man, was zealous to do every man's work as well as his own, and did it with the vigour of an international Rugby footballer: a true friend from whom to ask for help was to get it abundantly. The other three judges were all Wykehamists and there were old Wykehamist judges in other divisions of the court. Never before, I think, had so many judges come from one school. I have read somewhere of a surprising number in the early nineteenth century who came from Doctor Johnson's old school at Lichfield, but otherwise I think we created a record which was only beaten at a later date, again by Winchester.

The three judges whom I have mentioned were of very different temperament. Crossman, a fine scholar, had every judicial quality except that of being able to make up his mind. It was embarrassing to hear him ask counsel again and again for help upon this point or that and almost to see the painful working of his mind. He was the father of R. H. S. Crossman in whom a similar disability has not been observed. Bennett, on the other

hand, was no scholar, but he had a robust commonsense, a hatred of pretence or cant with a quick eye to discern it, and a passion to do justice which made him a judge whose court no litigant left thinking that his case had not been fairly heard. Christopher Farwell, the third of my Wykehamist brethren, was the son of Lord Justice Farwell, a very learned judge. He had no large practice at the Bar and his selection for the Bench showed great discrimination on the part of Lord Chancellor Sankey. He had been handicapped by persistent ill health and only those who knew him well, as I did, understood how great were his courage and endurance. He was the victim of a merciless migraine: I have known him be physically sick with the pain of it. As a judge I would rank him high. He had a flair (hereditary perhaps) for getting at the heart of a legal problem and his judgments were seldom reversed. He was more silent than any English judge I knew, maintaining the sort of inscrutability which I have described as characteristic of continental judges. I shall have more to say of him and his ever hospitable wife at another stage of these recollections.

This, then, was the team that I was to join in the spring of 1937. But before doing so I had in accordance with custom to go to Buckingham Palace to be received by King George the Sixth, to be given the accolade and rise "Sir Gavin" which I thought sounded very nice. It had long been the practice for the Sovereign (begun, I have been told, by Queen Victoria) to receive a newly-appointed judge in private audience. I have a vivid memory of my reception. I was the first judge appointed by King George after the recent abdication of his brother and I shall not forget the dignity and the humility with which he spoke of the unexpected burden that had been thrust upon him. I think he liked it when I ventured to say that his conduct on the assumption of his great office would be a shining example to all those who in a lesser degree assumed posts of isolation and responsibility.

And so back to the Law Courts. I have spoken of "isolation" and that is the key word. More than anything else it marks the

change between life at the Bar and on the Bench. Imagine the contrast - on the one hand the barrister arriving at his chambers with the bustle of business - consultations beginning at 9.30 or thereabouts - hurrying across to the Law Courts or maybe to the House of Lords or elsewhere - hail-fellow-well-met with friends and adversaries - a quick lunch - back to the courts - and then at four o'clock more consultations until the time has come to go home and there after dinner to read his briefs into the midnight hours. That had been my life and I only mitigated it by arranging once or twice a week to get home by seven o'clock, when I was met by a man who remarkably combined the skills of masseur and fencer. We would fence vigorously for half-an-hour - a glorious exercise - then he would give me general massage and after a brief rest I would arise a giant refreshed ready for dinner and a long bout of reading. See, on the other hand, the judge entering the judges' entrance of the Law Courts, going along a gloomy corridor to his private room with a "Good morning" perhaps to his clerk and to no one else. Then at 10.30 he enters the court with a "Silence please" from the usher and sits hour after hour in complete isolation, his every movement watched, his every frailty noted, and all the time the solemnity of the judicial oath ringing in his ears. At lunch time he has a brief opportunity of mingling with his fellow men then back he must go to his court and at four o'clock to the privacy of his room. Reaction by a little judicial levity however undesirable may seem pardonable. It is of course altogether undesirable. I trust I was not guilty of it.

"Responsibility" was the other word I used and it was a true word. I suppose that any man whose duty it is to make a decision affecting the reputation or fortune of another must face a grave sense of responsibility. How much graver it must be, if as a judge he fears that he may fall short in conduct or in judgment. He cannot but be conscious that any failure on his part will reflect not only on him personally but on the whole body of judges and on the administration of British justice

which we claim - perhaps arrogantly - to be the best in the world. These are the thoughts that must occupy the mind of a newly-made judge. It is possible that in course of time his fears will evaporate. Perhaps some such reflection led a cynical friend of mine to say that in his experience most judges were at their best in their first year of office and thereafter steadily deteriorated.

There, then, was I - a judge of the High Court in my 56th year. I had reached the summit of my ambition and had little reason to suppose that higher peaks were within my reach. The events that happened were beyond my wildest dreams. But before I come to them I must hark back to family life and I shall scarcely refrain from telling of days in woodland, or on moor or river. I had myself been fortunate from the time that I could carry a gun in having ample opportunity for sport. Many a day during the Christmas holidays my elder brother and I started out after breakfast from Red Rice carrying our lunch and our guns and cartridges and (optimistically) a game bag. We walked three miles to the water-meadows through which the little river Anton flows, spent the day floundering through mud and water in pursuit of duck and snipe and returned in the evening with perhaps a moorhen in the bag. These youthful adventures gave way to more formal days and ever since, though to a very limited extent during two wars, I have spent happy shooting days both from my own homes at Red Rice and Audleys Wood and with friends in many places. Grouse shooting had a special charm, for it came when one was weary after the hard work of summer. I will not talk of the "great open spaces" but often I think of the silence and the solitude of the hills as one waited in the butt for the oncoming rush of the grouse. Much I owe to Arthur Hoare who, besides, as I have mentioned, lending us his house at Ovington, asked me year by year to his moor in Angus or Perthshire. With Christopher Farwell, my brother judge, I shot over many moors - usually rough shooting with modest bags - and also pheasants at Christmas time in North Devon where he rented a house on the