

## BENCH AND BAR.

### A STROLL THROUGH THE COURTS.



IN THE COURT OF APPEAL (THE LORD CHANCELLOR PRESIDING).



**H**ORNE TOOKE, in answer to the common saying that "the courts of law are open to all," made the retort, "So is the London Tavern." In both there is urgent need of payment and the necessity of "blowing in good stuff," as I once heard an American lawyer describe the parting with money, for the wares to be obtained. If one is there merely to gratify curiosity, and not as a suitor or as sued, there are worse places in which to study life than the Law Courts in the Strand. In respect to admission, the Law Courts are not quite so open as the London Tavern, for not all may find their way within unchallenged. There are police on sentry at all doors, and keepers of the building in corridors and at court entrances, and these

are often not easily appeased as to the business of an applicant for entrance, especially in that attractive court presided over by Sir Francis Jeune. The restrictions which were instituted during the dynamite scare have not been relaxed much, and since the Anarchists came to the front with their "propaganda by deed," unless one is known to the police (in the better sense) their suspicions are easily aroused. Parcels and black bags, even brief-bags carried by unknown office-boys and infrequent lawyers' clerks, are often opened and examined. Then at the doors of the courts the keepers are always patiently ready for the unwelcome intruder.

The persons who enjoy most consideration from all students of life in the Courts are, of course, the ushers. They are a class apart. One knows how Lord Chancellors are made, and even whence come Lord Chief Justices, but the mystery which surrounds the origin

of ushers is impenetrable. Whether they were once spruce lawyers' clerks, and obtained the post, with all its prospective emoluments in the shape of tips, for favours rendered by their employers to judges when the judges were obscure juniors, or—but it is no use speculating. The secret of their success is hidden in their bosoms, and they go through life joyous, if sombre-hued, butterflies, scattering their "h's" with rare indiscrimina- tion while the Courts are in term, and dormant during vacations—probably asleep in the extensive cellarage of the Royal Courts of Justice—for no man ever saw an usher else- where than in Court.

It is they who make the Court, and lend it dignity, and who believe firmly that the Lord Chief Justice, nay, the very Lord Chancellor, who is over all, are there for their advantage. As each of us believes the world is run for our own benefit, we none of us can grudge the usher his theory that it is for him the Courts are furnished, and that litigants go to law in order that his bread may be buttered.

The building in the Strand where the High Court is housed, is, in spite of all assertions to the contrary, a handsome and not inconvenient pile. Its aspect has been spoiled by the very mixed order of architecture which the Bankruptcy Division has seen fit to put up in the rear of the Courts. Time, which includes, in this case, the soot and smoke of London, is dealing very pleasantly with the Law Courts. They have developed that tone of black and grey which sits so well on many of our buildings. The crowded traffic of the Strand, and the less imposing row of shops and houses which are opposite the Courts, do not allow the fine exterior to be seen at its best. You cannot admire architecture much while engaged dodging a Putney 'bus. To fully admire Street's concep- tion, it is worth while going home with the milk some June morning. Arrange to pass the Courts about the time the street-cleaning men—not unpicturesque beings at that hour—are engaged washing down the roadway with the hose and a strong head of water. The spraying stream freshens the air, the sun glows on the gilt roof ornaments, and lights up the grey of the towers, and there are no crawling cabs and splashing 'buses to distract the eye. It is then the building looks admir- able. Age, too, will deal tenderly with the interior, where corridors and underground rooms give a cloistered and crypted aspect to the less public parts. Already history is weav- ing around the buildings, and there are rooms to be noted as the abodes of famous lawyers wortly to rank with the ablest in the past.

The Crown and ex-Crown officials are both provided with special rooms in the build- ings. Those which Sir Frank Lockwood now occupies were formerly tenanted by Sir Charles Russell, one of the most interesting and even picturesque figures which has ever occupied the chair of the Lord Chief Justice of England.

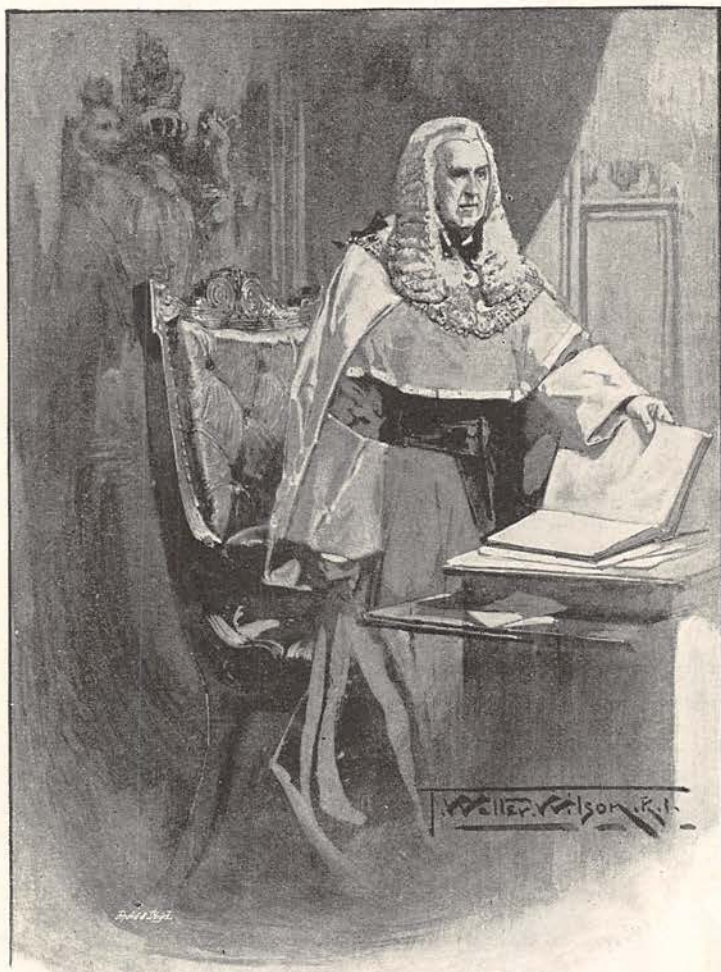
It was often said, when the famous advocate was promoted first to a Lord Justiceship of Appeal and then to be Lord Chief Justice, that he was bound to be a failure as a judge. The reason when examined was quite inade- quate. It was that it is impossible for a man who has been a brilliant advocate to be a success as a judge. Lord Russell of Kill- owen has disappointed his critics in the most pleasing manner. He will rank high in the list, not only of great advocates, but great judges. I do not say that all lawyers will regard him with affection. He has a way of suggesting arrangements and hastening settle- ments in cases which might be prolonged, and be correspondingly expensive, which touches the solicitors' pockets. Then he has also a way with barristers. Some of the gen- tlemen practising in his Court have already come to dread the tap of the cedar pencil with which he enforces order in his Court, the pencil which has effectively taken the place of the snuff-box he formerly utilised. A counsel is badgering a witness—an art in which, by the way, if report is to be credited, the Lord Chief Justice was himself not



THE ATTORNEY-GENERAL (SIR R. T. REID, Q.C., M.P.).

inexpert. Comes the warning tap: "Mr. Snooks, I think you are going too far." "I am sorry you should think so, my lud, but—" "Well, I do think so;" and counsel is wise not to pursue the matter further. Above all, there is the same kindly

to be suggested. So far as Lord Russell can, he has changed that in his Court; and I am told by Mr. Collins, one of the older Law Courts reporters, that he has personally seen to the improvement of the press accommodation, and had it labelled in brass as reserved



THE LORD CHIEF JUSTICE OF ENGLAND (LORD RUSSELL OF KILLOWEN).

Sir Charles Russell regarding the Court from the Bench, the Sir Charles who used, when tired of the debate in the House of Commons, to slip away to the working men's club in Hackney, and join in a hand at whist, till recalled to Westminster. I am told he still keeps a keen eye on the interests of all who come in contact with him in any official or semi-official capacity. It used to be that the press representatives in the Courts were not regarded with esteem, and affection was not

for the use of the newspaper men. Even still the Lord Chief Justice makes the delivery of a judgment rather a pleasing thing to listen to, and not by any means a circumstance to be fled from, as is the case with some judges. But the contrast between Sir Charles Russell the advocate, and Lord Russell the judge, is marked. I have, as luck has served, heard him in some of his famous cases. I remember his speech when defending Mrs. Maybrick—a bigger effort than the exposure of the

immortal Richard Pigott; and as an instance of forensic eloquence it must rank high, especially as he knew he was fighting with both judge and jury against him.

The Lord Chancellor does not find his way much to the Strand nowadays, though he still puts in an occasional appearance in appeals. His place is naturally in the House of Lords, the final court of the realm. Lord Herschell has recently been subjected to some criticism; but among members of the Bar he is regarded with general favour, as indeed is his predecessor Lord Halsbury. The Lord Chancellor likes trips into the country, and apart from politics his favourite subject of discourse is education, both secondary and technical, in which he takes a great interest. Chancing recently to be in Colchester, I re-visited the castle, a fine relic of both Roman and Norman occupation, and was rather pleased to find I was being shown round the excellent museum there by the custodian, with Lord Herschell as one of the party. It seemed he was there for some public function, and had quietly slipped off to see the chief local lions.

It marks a great change in our customs that the Lord Chancellor should be at the head of the judiciary. For many long years the custodian of the Great Seal had no separate judicial power, and was not considered of very high dignity in the State, and the office was chiefly courted as the stepping-stone to a bishopric, to which it almost invariably led. In the early Anglo-Norman reigns the Chan-

cellor only ranked sixth of the great officers under the Crown, coming after the Chief Justiciar, the Constable, the Marischal, the Steward, and the Chamberlain. In those days the Chief Justiciar was by far the greatest subject both in rank and power. He was generally taken from among the high hereditary barons; his functions were more political than judicial. He sometimes led armies to battle, and when the Sovereign was beyond the seas, by virtue of his office as regent he governed the kingdom. It was not till 1558 that it was made practically absolute that a trained lawyer should have the post, and it was then owing to the great amount of Chancery business on hand, because of the urgency of settling disputes as to the property of the dissolved monasteries that this was done. Sir Nicholas Bacon, father of Sir Francis Bacon, was the man appointed by Queen Elizabeth to the task. By the way, St. Swithin was Lord Chancellor about 862, and there has been a lady holder of the post in Queen Eleanor, wife of King Henry III.

The Chancery Court is no longer the reproach to English law that it once was, but business in it is still not over-fast. That is due to the nature of things, for in no division of the High Court have precedents so much influence on procedure, and there even more than in the Probate Court the power of the dead hand presses hard upon the living. This is much the case with the Court of Appeal, but the tendency there has always been to create modern instances rather than to act on the old wise saws. Lord Esher, the Master of the Rolls, who usually presides when neither the Lord Chancellor nor the Lord Chief Justice is present, has a pleasing fondness for handsome wigs. The court, however, is not an inspiring one. It is seldom Lord Esher finds ladies interested enough in the proceedings to occupy seats on the Bench; and only the other day I spent some time trying to get up an interest in listening to Mr. Haldane—who has many little affectations for so able an advocate—discussing to three appeal judges as to who should or who should not use a particular dust-bin.

Our present Chancery judge is perhaps the best the Court ever saw, and suitors have no longer very adequate grounds for complaint of delay. Certainly there are now no cases of *Jarndyce v. Jarndyce*. Sir Robert Romer is one of the ablest of Chancery judges, and he not long ago surprised his Court, when the famous Cordite action was before him, by proceeding to deliver a judgment of three hours' length upon the whole facts immediately counsel had sat down. This was not quite popular, for as the case had finished early



MR. GEOGEGHAN.

everyone was disappointed of an extra half-holiday. Among the more notable men in the Queen's Bench Division is, of course, Mr. Justice Hawkins, who, as a sportsman and judge, is very popular with a large public.



THE SOLICITOR-GENERAL (SIR FRANK LOCKWOOD,  
Q.C., M.P.).

Another very able judge is Sir R. Henn Collins, who, when he was at the Bar, had the reputation of being called in always to pull the most desperately burnt chestnuts out of the fire. Sir Roland Vaughan Williams, about whom such a pother was recently made, is not only a splendid head of the bankruptcy department, but he is of the Welsh Welsh, and knows his country's language and literature as an expert. He is a great favourite with all who come in contact with him, except they be of the nature of fraudulent company promoters or negligent directors. Then he is most unmercifully probing, and has done much to amend City morals.

Sir Frank Lockwood promises to follow in the steps of Sir Charles Russell. He is painstaking, and has a turn for ridicule by which he used to effect that little legal movement known as "laughing a case out of Court." He is not easily suppressed, and well deserved the description Lord Coleridge applied to him of the "chartered libertine of the Courts." Those

were in his days of freedom and irresponsibility. Official chains have not yet weighed him down wholly, and he will probably be a highly interesting figure when his party chances into Opposition. A good story is told in connection with the recent famous trial in the Eastern Counties. Mr. Lockwood, as he then was, was prosecuting, and the evening on which the counsel for the defence had made his speech the advocates on both sides were dining together in their inn. Their dining-room was only separated from another by a thin partition, and a party in the adjoining room were perforce listeners to the chaff which the counsel were directing at each other over the meal. The defending counsel had his speech pulled to pieces for him—it had been an excellent speech—and was heard to say: "Well, I have done my best. What more could I do? The trouble is, the man is guilty." This by way of a warning against chaff and thin partitions. Sir Frank Lockwood will frequently find opposed to him Mr. Geogeghan, who is now well to the front at the criminal Bar, having made a reputation by the fine fight he made at the Old Bailey for that unworthy person Neill Cream. Sir Edward Clarke, of course, must always take first place whether as prosecutor or defender in the criminal Courts, where he also made his reputation. A coming man is Mr. Carson, who, both at the Irish and the English Bar, has been a marked success. Speaking of Irishmen, Mr. Murphy, Q.C., must not be forgotten, and his close relative "Baby" Murphy. They are both among the biggest men at the Bar. A quaint spectacle at a little watering-place one day last summer was "Baby" Murphy, pensively sitting on the sand and building it into heaps, while doubtless thinking of the next case in which he was engaged. I believe it was of Mr. Murphy, Q.C., that the story was told—or, at least, invented—that he was once waylaid by a footpad, who proposed to rob him. "I simply fell on him," said Mr. Murphy, "and I have not seen him since. I weigh twenty stone!" The cranks who haunt the Courts must not be forgotten. There are now no after-types of the characters Dickens sketched in "Bleak House" as hanging about the precincts of the Court of Chancery. There are many regular attenders to whom constant habit has apparently given a right of entrance, but the regulations are too strict for the genius of the "crank" to attain full development. So much the better, though much interesting reading is thereby lost to the public.

