UNIVERSAL
LIBRARY

OU_216102

UNIVERSAL
LIBRARY

P.G. 142H5

923.242
I 73R

Dines Isaacs

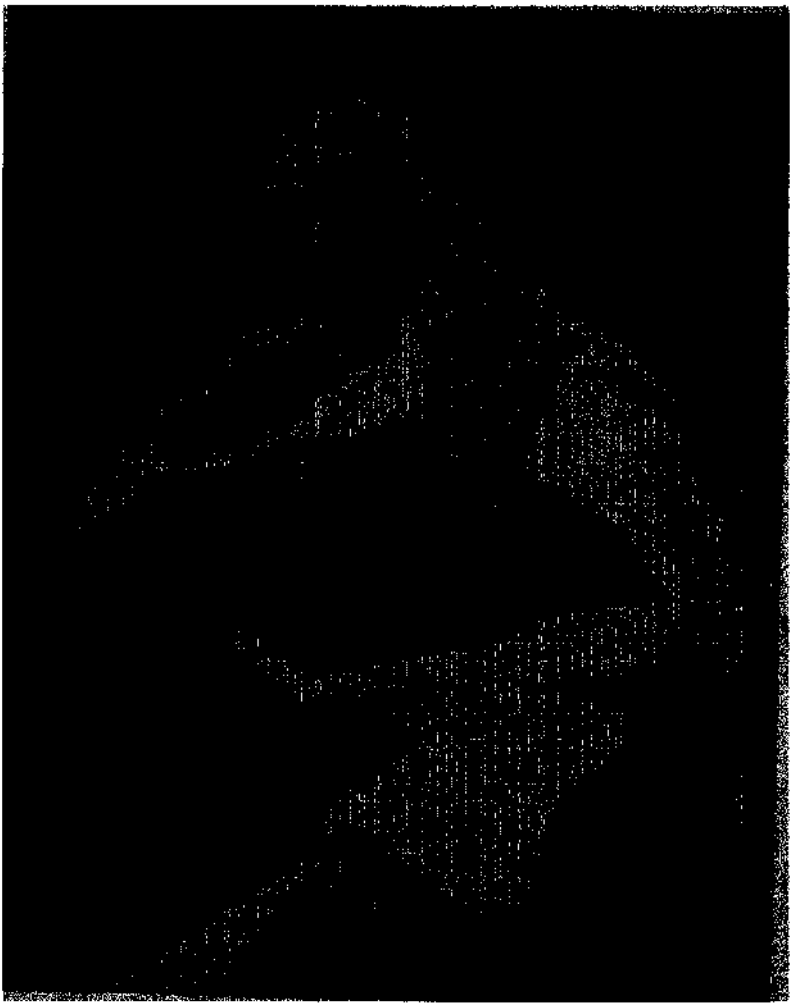
OSMANIA UNIVERSITY LIBRARY

Call No. 923.242 Accession No. PG. 1112 MS

Author I73R Rules Issues.

Title

This book should be returned on or before the date last marked below.



LORD CHIEF JUSTICE OF ENGLAND, 1914

RUFUS ISAACS

FIRST MARQUESS OF READING

P.C, G.C.B., G.C.S.I., G.C.I.E., G.C.V.O.

By His Son

THE MARQUESS OF READING, C.B.E., M.C., K.C., T.D.

1860-1914

Post Graduate Library
College of Arts & Commerce, O. U.

With 11 Illustrations

کتب خانہ
شعبہ سیاسیات جامعہ عثمانیہ
نشان مصنون نشان سلسلہ
تاریخ ذاجلہ قیمت .

HUTCHINSON & CO. (Publishers) LTD
London New York Melbourne Sydney Cape Town

First Published *November* 1942
Reprinted *February* 1943
Reprinted *May* 1950

Printed in Great Britain by
William Brendon & Son, Ltd.
The Mayflower Press (late of Plymouth)
at Bushey Mill Lane
Watford, Herts

CONTENTS

CHAPTER		PAGE
	FOREWORD	5
I.	RUFUS	7
IL	Rums 1SAACS	43
III.	RUFUS ISAACS, Q.C.	65
IV.	RUFUS ISAACS, K.C., M.P.	133
V.	SIR RUFUS	186
	INDEX	282

LIST OF ILLUSTRATIONS

	FACING PAGE
Lord Chief Justice of England, 1914 , ,	*Frond*
A Cartoon by Sir F. Carruthers Gould	**48**
Mrs. Rufus Isaacs at Aix-les-Bains, 1897	**49**
In the Court of Appeal	**96**
Mr. and Mrs. Rufus Isaacs at Fox Hill, Reading, 1907	*97*
Mrs. Rufus Isaacs and the Delaunay-Belleville at Fox Hill .	144
Reading's Three Elections, 1910 .	145
Rufus Isaacs at the Age of 50	192
The Opening of the New Legal Year, October, 1913	193

FOREWORD

NO portrait of a figure whose career was familiar to so wide a public and whose personality survives in the memory of so many friends can hope to command universal assent. Each one will have seen the original from a different angle and will cherish his own recollection as the sole authentic likeness.

Moreover, the difficulties are enhanced when sitter and painter are father and son, for in those conditions to give praise may be thought uncritical and to withhold it unfilial. Nevertheless, I have been encouraged to undertake the task by the belief that on balance the manifest advantages of continuous intimate contact outweigh the possible disadvantages of occasional faulty perspective, and I shall perhaps not be blamed for feeling that it would be in a sense a betrayal of the privilege of having so closely shared his life to entrust the narration of it to a stranger.

I hope, and I have some reason to believe, that my decision is in accordance with his own wishes. But he did not make my task easier by writing few and mainly formal letters and keeping almost none or by preserving scarcely a single document earlier in date than the outbreak of the last war. A recurrent project that he should himself set down in however rough a form at least episodes from his own story was frequently discussed, occasionally contemplated and finally deferred until too late.

Some years before his death I was playing golf with my father on a course which he was seeing for the first time. After a few holes we approached a formidable bunker and his caddie, who had by then formed a justly unfavourable estimate of his prowess, handed him an iron together with the advice:

[1] 'You had better not go for the carry, my Lord. Take this and play short."

"Not go for the carry?" said my father, outraged. "I have gone for the carry all my life! You give me a spoon!"

I have heard him on other and greater occasions speak of his own career, but, trivial though this incident may have been, I recall no words of his which more aptly or concisely summarize the elements of his attitude to life or the romance of his achievement.

His rise was not the progressive fulfilment of a conscious plan. I do not believe "that, with the possible exception of the Attorney-Generalship, he deliberately set out to attain any one of the great offices which he held. Indeed, their very diversity almost excludes design.

Time and again circumstances, unforeseen and unforeseeable, combined to set the stage for his further advancement, and in each act of the drama he responded by so enriching his experience and increasing his reputation that, when the next episode opened, lie was inevitably marked out for the leading role.

But if opportunity thus stretched out her hand, at least he never failed or even hesitated to grasp it and, once embarked upon a course, he pursued it to the uttermost end with a single-in mindedness which was in his own judgment the master-key to his success. Yet he was at heart a man adventurous rather than ambitious, loving responsibility rather than power, whose un-flagging zest was for the battle itself rather than for the spoils of victory.

I trust that this record of his life-story may serve in some measure to illustrate and to confirm such a conception of his character and career.

CHAPTER 1

RUFUS

WHEN in the year 1655 Oliver Cromwell lifted the ban which for 565 years had prohibited Jews from residence in England, the first to take advantage of the new toleration were the members of those Spanish and Portuguese communities which after expulsion from their former home by the rigours of the Inquisition had found refuge and prosperity in Holland.

It was not until the last decade of the seventeenth century that there began a meagre infiltration of Jews from Central Europe; but the welcome must have been kindly and the opportunities promising, for by the beginning of the new century the stream of immigrants was already attaining a considerable volume.

Among these early prospectors from the old-established Jewries of the Continent was one Michael, son of Isaac, known for convenience of identification, at a time when Jewish surnames were not yet officially recognized, as Michael Isaacs.

Whether on his way from Harwich to London he noted for future reference the agreeable aspect of Chelmsford, or whether he never reached London but installed himself at the first considerable place encountered on the road, must remain a matter of speculation. Possibly he found it a convenient headquarters from which to peddle the surrounding countryside. But it is reasonably sure that by the latter half of the century his descendants were firmly settled in the Essex town.

His son, Israel, born about 1735, married one Katherine Judah and had two sons, born in 1759 and 1767 respectively and named Samuel and Isaac.

This Samuel, born in the year before Wolfe captured Quebec, middle-aged at the date of Waterloo, dying only at the end of the American Civil War, when his great-grandson, who is the central figure of this book, was already five years old, was destined to attain the patriarchal age of 106. Though his own life was passed in humble circumstances remote from the tremendous events of the time, it must nevertheless have been profoundly affected by the changes wrought upon the whole face of Western civilization during a period beginning with the elder Pitt in office and ending only with the arena cleared by the death of Palmerston for the mighty duel between Gladstone and Disraeli. Indeed, the span of his years covered the transition from a way

of life not different in essentials from that pursued by the Roman conquerors of Britain to one familiar in retrospect to many still living to-day.

Moreover, his own great age, notable enough in itself, is rendered the more remarkable by the fact that all the joys and sorrows, the surprises and shocks, the upheavals and readjustments that must have marked his long journey were shared by Sarah (Levy), his wife, who, almost equalling her husband's record of longevity, herself lived to the age of 103.

It is probable that Samuel moved to London in the first years of the nineteenth century about the time when his son, Michael, was born, installing himself and his family at 19, Mitre Street, Aldgate, where he continued to reside for the remainder of his life.

It is recorded of him that, being still alert and active, he set forth on the morning of his hundredth birthday to collect congratulations from friends and neighbours upon so momentous an event. He was well known and liked in the district and, before he had gone far, a shopkeeper, seeing him pass, called out:

"Good morning, Mr. Isaacs. I hope you are well."

"Very well, thank you," said the old man, adding expectantly: "It is nry birthday."

"L it now?" said the shopkeeper. "Well, all good wishes to you and may you live to be a hundred."

"Damn it, sir," roared the centenarian in a fury of unappreciated fame, "I am a hundred!"

Exactly when the family's connection with the fruit trade began it is impossible to say. There was at the opening of the nineteenth century a regular fruit market in Duke's Place, Aldgate, and it is at least probable that Samuel in his early and middle life was a stall-holder there. Cautious and frugal, he was content to earn enough to keep his wife and child from want. Neither the dawn of a new century nor the inauguration of successive new reigns fired him with ambition to expand his humble trading even into the adventure of a shop.

It was left to his son, Michael, to launch forth into business on a larger scale, for in the Post Office Directory for the year 1829 appears for the first time the entry of "M. Issac & Co."—a spelling which continued for some years—"Importer of Foreign Fruits" at his Mitre Street address. The business which he founded, or at least extended, now M. Isaacs & Sons, Ltd., of the London Fruit Exchange, Spitalfields, has continued from that day to this in the family hands and is still concerned with the importation of fruits from Italy and Spain.

Michael Isaacs also showed enterprise in another direction, for he chose his wife not from his own but from the more august Spanish and Portuguese community, Sarah, daughter of Aaron Mendoza.

The English branch of this well-known family was descended from a singular and versatile character, also Aaron Mendoza by name, who filled the office of ritual slaughterer to the Spanish and Portuguese synagogue in Be vis Marks in the second quarter of the eighteenth century and published in 1732 one of the earliest books produced by a Jew in England, a manual of the laws governing his craft, written by him in Spanish and embellished with illustrations drawn and engraved by his own hand.

But the best-known member of the family is Daniel Mendoza (1765 to 1836), the famous prize fighter, younger brother of the later Aaron Mendoza and thus uncle of Michael Isaacs' wife.

Rumour had it that there was some connection between the Mendoza family and that of Disraeli. The report was at least sufficiently authenticated to lead the Recorder of London in 1889, when presenting to the then Lord Chief Justice of England Michael and Sarah Isaacs' elder son, Henry, as the new Lord Mayor, to refer to him as a descendant of "the distinguished family with which the late Lord Beaconsfield claimed relationship" and to justify the younger generation of the Isaacs family in speaking of the great Victorian statesman with sceptical irreverence as "Uncle Ben."

Michael and Sarah Isaacs were still living in Mitre Street when their sons, Henry Aaron, the subsequent Lord Mayor of London, and Joseph Michael were born in 1830 and 1832 respectively.

The business was beginning to prosper and Mr. and Mrs. Isaacs were determined that their children should have all the educational advantages that they could afford for them. The accomplishments that Joseph was to acquire included dancing, and it was at a dancing class that the small boy met an even smaller girl named Sarah Davis, whom he was fortunately destined to marry years afterwards.

Sarah was the eldest of the thirteen children of Daniel Davis and his wife, formerly Frances Marks, who kept first a glass-and-china and later a drapery shop in Newington Causeway, which was in due course economically staffed by four of their seven daughters, Sarah as the eldest being entrusted with the responsible duty of keeping the books.

That their family should have been numerous perhaps gives

no cause for surprise, for Frances Marks had herself been one of twenty-four children.

Daniel Davis and his family had also a contribution to make to the history of longevity, for he was well over ninety at the date of his death, a performance which was put into the shade by at least one of his sisters, Anne, wife of Samuel Cohen, who lived on until 1912, dying at the age of one hundred and three in full possession of all her faculties and without ever having condescended to the aid of spectacles.

That he handed on to his own daughters the long life of his generation is shown by the fact that Sarah lived to be eighty-eight and others to be ninety-five and eighty-seven, while one of them, aged ninety-six, died only in 1940.

Nor was longevity the only attribute that he transmitted to his family. He was a man of remarkable good looks of a strikingly un-Jewish type; tall, with keen hazel eyes, a short straight nose and carefully trimmed beard, he would not have looked out of place in Elizabethan doublet and hose. Though his education had been of the slightest, he contrived to display with increasing emphasis as the years went on a noticeable air of distinction. His wife was also of handsome appearance and the couple were thus enabled at least to bestow upon their daughters a dowry of personal beauty, even if they had little else to give them.

Throughout all the intervening years Joseph Isaacs had been at pains never to lose sight of his dancing-class first love; he remained fixed in his resolve to marry her as soon as circumstances would permit, and in 1855, when he was a young man of twenty-three in his father's business and she a girl of twenty in her father's shop, the marriage took place which was to endure for fifty-two years of frequent vicissitude but steady devotion. In 1856 the first of their nine children was born. Others followed in 1858 and 1859, and on October 10, 1860, there was born at 3, Bury Street, St. Mary Axe, within easy sound of Bow Bells, the fourth child and second boy, who duly received the names of Rufus Daniel, Daniel after his grandfather Davis, Rufus after the eldest of his mother's six brothers.

How the name of Rufus came into the Davis family is still a matter of controversy, the one school asserting that Rufus Davis was formally given this unlikely name, though he failed to live up to it by having jet-black hair, the other contending that his real name was Abraham, that when he was later found to have red hair he was nicknamed Rufus, and that he so greatly preferred his more original name that he adopted it for regular use, signing himself thenceforward "Rufus A. Davis." It is

perhaps not of great moment to decide which of these rival theories is the more reliable. It is sufficient to record that it was to him that his nephew owed the name which was so invaluable an asset to him throughout life. "Rufus Isaacs": it was always a distinguishing mark, a proclamation, at once arresting and euphonious, of his identity, which reached its zenith in the inevitable and invincible slogan of later electioneering days: "Rufus for Reading" in huge letters of the Liberal red.

Somehow the improbable name epitomized all the adventurous aspects of his career. No one who bore it could fitly lead a narrow, humdrum, placid existence. It called aloud to be borne into the arena. The record of the first twenty-five years of its bearer's life is, however, no improving story of the Industrious Apprentice with eager nose bent over exacting grindstone, rejoicing in his servitude as a preparation for the great future which he already perceived before him and to which he dedicated long hours of feverish toil.

His is not the epic of the hungry boy poring over his books in a garret by the light of a flickering candle in order that he might equip himself for ultimate dominion over the vast concern of which he was then the smallest and least considered unit. He was wild; he was idle; he was volatile alike in his occupations and his affections. He was the terror of his schoolmasters, the scandal of the neighbourhood and the despair of his father. But he had vitality in superabundance and the courage never to submit for long to the uncongenial and never to be cowed by successive failures to find the congenial. If Nature had made him a square peg, he was determined ultimately to find for himself a square hole, however long the search, rather than to suffer himself by a wearisome process of attrition to be forced into a round one.

In the early 'sixties the City of London was still to a considerable, though diminishing, extent a residential area and, when soon after his birth his parents moved from Bury Street, the change led them no farther afield than Finsbury Square.

There Rufus spent the first years of his life. Younger children continued to arrive with almost annual regularity until the meritorious total of nine was attained, and successive nurses had little time to give to those who were already able to walk and talk and could be made responsible for each other's upbringing. Of these nurses one deserves mention, a Devonshire woman named Emma Squires, if only for the singular coincidence that, when in due course Rufus had a son of his own, there came as a nurse a young woman from Devonshire named Emma Squires, who was to remain in his service for thirty-se\en years and become a recog-

nized and indispensable institution. Yet the two Emmas were not related and knew nothing of one another's existence.

In the home Mrs. Isaacs, always called by her family "the Mater/' exercised unchallenged sway. Rather above average height and strongly built, with brown hair, grey eyes, firm chin and her father's short, straight nose, she gave little outward indication of being a Jewess. There was a theory, diligently propagated by herself, that she was delicate, though her nine children and eighty-eight years of vigorous life supply little confirmation of this early belief. But it at least enabled her to lie in bed regularly until lunch-time, ordering from that sanctuary the entire affairs of her household with great efficiency and summoning to the Presence whichever of her family was for the moment in need of exhortation or rebuke. Very downright, very just and very undemonstrative, she viewed her children with a real and deep affection but equally with complete detachment. She had no intellectual interests, read great quantities of worthless novels, adored a game of whist or nap, took no exercise and had no women friends, holding that women were not to be trusted and that it was a mistake to indulge in intimacy with such unstable creatures. With these views upon her own sex, it is not surprising that, though she extended to her daughters a warm and tolerant sympathy, her real interest was in her sons.

At an early stage the problem of the children's education presented itself in acute form. Their dominant characteristic was high spirits, which found cheerful expression in sustained noise. The house in Finsbury Square was large but its walls were not sound-proof, and echoes of uproar had a disturbing habit of penetrating downstairs. Moreover, space in the nursery was needed for the younger children. Accordingly, at the respective ages of five and four Harry, the elder brother, and Rufus were dispatched to a small school kept by one Mr. Barczynsky at Gravesend to commence their studies and make room for their juniors. But after a year had passed Mrs. Isaacs was not satisfied. Among the subjects upon which she held and expressed forcible opinions was the necessity for acquiring foreign languages. She had somehow taught herself to speak French with fluency and to read it with facility, and she was determined that her children should commence the study of languages at the earliest possible moment. She accordingly issued her decree; the two elder boys were to go abroad, and, since the main purpose was the learning of French, the school was to be situated in France or Belgium. The decision to send them farther from home was assisted and accelerated by an incident which enlisted Mr. Isaacs' sympathies

in the scheme. One evening, as he was walking back from the office, on entering Finsbury Square he was alarmed to observe a crowd collected outside his house, staring upward in open-mouthed fascination. Closer inspection revealed the cause of their interest. On the parapet surrounding the lofty roof were two small figures, Harry and Rufus, engaged in a desperate duel with brass stair-rods for swords, oblivious of height, crowd and parent alike.

Had this been an isolated outburst it might have been overlooked, but it was only the last of a series dating from a yet tenderer age, which had its beginning in a visit paid to their grandmother Davis by Harry and Rufus, tastefully attired for the occasion in new suits.

Now these suits were of blue and red velvet respectively, very handsome in the fashion of the day but unappreciated by their wearers, who, having been sent to take a nice walk around grandmother's garden while their elders talked, were later discovered sitting fully clothed and blissfully happy in a pond. Subsequent chastisement was a small price to pay for the knowledge that the abhorred garments were ruined forever.

Shortly after the incident of the fencing bout Mr. Isaacs escorted Harry, aged six, and Rufus, aged five, to Brussels, there depositing them in a school kept by one Mr. Kahn, where there were boys up to the age of eighteen and they were the youngest by many years.

The lessons were naturally in French, their knowledge of which was rudimentary, but under pressure of necessity they soon acquired sufficient mastery of the language to take part in the work of the school and to incite their elders to hitherto undreamed-of escapades.

Before they had been there long a prize was offered for the boy who, after reading over for ten minutes two pages of French prose, could most accurately repeat the passage aloud. This kind of learning Rufus regarded as excellent entertainment ; gifted with a retentive visual memory, he enjoyed using a power which required so little effort and produced such gratifying results, and to the amazement of masters and pupils alike the youngest boy in the school unchallengeably won the prize. The possession of this particular type of memory proved invaluable to him in later life, especially at the Bar, but there was no occasion on which the exercise of it gave him so glowing a satisfaction as at the moment of this first triumph. It was a story which he loved to tell, admitting freely that no subsequent success had been as easy or as sweet. .

Yet it cannot be suggested that their days in Brussels were a

period of exclusively scholastic preoccupation for Harry and Rufus. Out of school hours their talent for original mischief found full scope and the hapless Mr. Kalm, better accustomed to the greater docility of his older pupils, was utterly unable to deal with the situation. The last and greatest punishment, solitary confinement on a diet of bread and water, proved unavailing. The young miscreants employed the hours of their isolation in disposing of the furniture in the room in which they were captives f and, as the door was locked to prevent their escape, the only method of removing the unwanted objects was to cast them through the window into the courtyard below. Mr. Kalm, on coming to investigate the effects of the punishment, found them sitting cheerfully in an excellent imitation of a prison cell.

After repeated failures to instil discipline and obedience into the small ruffians their headmaster played his final humiliating card. He sent for their father. Promptly Mr. Isaacs arrived and, after being closeted for a long time with the authorities, summoned his erring children to his presence and there, with tears trickling down his cheeks at the recital of the enormities committed by them, he imparted Mr. Kahn's ultimatum : either Harry or Rufus he was willing to keep, but in no circumstances both. In the end it was Harry who was removed, and at the beginning of the next term Rufus returned, then aged six, in charge of a younger brother, Albert, of less boisterous temperament and less fiendish ingenuity than the enterprising elder son. With Harry's departure Rufus found more time and inclination for work and at the end of some two years' residence in Brussels he was thought to have attained for the time being sufficient mastery of French.

After this early experience of foreign education his parents felt that it was time for him to attack the normal curriculum of an Anglo-Jewish school, in other words the usual English school subjects with an admixture of special religious instruction, including the teaching of Hebrew. He was therefore sent as a boarder to a school in Northwick Terrace, Regent's Park, kept by a Mr. Mendes, for whose daughter, of about the same age and precocity as himself, he speedily conceived a consuming passion. His ardour, however, could find no more flamboyant expression than in the secret passing to her of notes and sweets during the classes which she also attended. To this period belongs a letter written to a school friend who was for that term absent from the school. The copper-plate handwriting is such as he never afterwards was able to achieve and at the early age of eleven he wrote with a maturity and continuity rare in boys of that age.

DEAR DELLY [the letter begins], I was very much astonished at not having received a letter from you : it has very much surprised me, but I thought I will write to you and I suppose you will answer me.

The weather here is very bad, at least it has been so for the last two days ; it has constantly rained for one whole night.

I suppose you are astonished at not having received all your books. I have most of your books locked up in my desk. Ben Mosely uses your spelling, because he says that you said that if he liked he could use all the books ; I will leave them locked up in my desk. The examinations have not yet commenced ; they will commence on 1st September and end on the 17th or 18th 5 and on the glorious 19th, hurrah for the holidays.

I am enjoying myself quite as much as you are; I am looking forward to the holidays, you are in the midst of your holidays. Mind you write to Mr. Mendes. I suppose you do not know that Dr. Mendes is home, he is awfully clever and kind.

Dr. Aronsohn has left, and Dr. Mendes takes us in German and Hebrew. He does all doctor's teaching but is not on duty ; but does he not give us a lot of German, enough to make us satisfied, I can tell you. But I can see we will get on with him. Dr. Mendes takes first division and Mr. Mendes the other, dodging like Mr. Mendes and Mr. Boys used to do.

We have a new boy, whose name is L.—-he is an English boy but five years in Germany ; he comes from the Jews' College. He is rather a dull fellow to play with ; he speaks in such a mournful tone when he asks for a book or any such thing that he nearly makes you cry ; but wait till next term to find out for yourself.

Mind next term when I come back, I shall be 12 years old ; but I forget ; so will you be, I shall come back eldest Isaacs in this school.

Such a sight, 26th August there was a great fire at Camden Town, the boys all put on their trousers, boots and stockings and ran up to the nursery with Mr. and Mis. Mendes ; then we stood on chairs and the table and we saw the fire blazing up j it was a beautiful sight, really worth seeing. I wish you had been there ; your sleepy head would have jumped out of bed pretty quickly, I can tell you.

Apart from the writer's evident pride in the use of the newly discovered semi-colon the letter is perhaps unremarkable, save that it does go to show the zest with which even his school days were passed, and over and above the high spirits which animated all his doings the real, if spasmodic, desire to learn from those who knew the way to teach.

The allusion to his being the eldest Isaacs in the school is a reference to the presence of his next younger brother, Albert, who at that time came to join him. Unfortunately Albert's stay at the school was marked by a tragedy which made a considerable impression upon Rufus's mind. One night there was a magic-

lantern show, and under cover of the consequent darkness some "ragging" broke out among the boys, in which Albert took part. In a melee he tripped over a desk and fell heavily, injuring his leg. He was put to bed but no particular importance was attached to his symptoms, even when boils broke out and it was apparent that all was not well. But if the doctor was complacent, Rufus was far from satisfied. After repeated and fruitless attempts to persuade the authorities that his parents should be told, he ran away from the school, made his way to their house and reported the situation to them. They at once came and took the sick boy home, but it was by then too late. Permanent injury had been done j and, though Albert lived on for some years afterwards as an invalid, he was never able to walk again and died at the age of sixteen, the only one of the nine children who failed to reach maturity.

But in spite of this sad incident Rufus spent some years happily at Northwick Terrace, until at the age of almost thirteen he was admitted in September, 1875, to University College School, then situated in Gower Street. Here he remained only until July of 1874, when at the age of less than fourteen his schooling was considered to be at an end. This view, held by his father, was by no means shared by Professor T. H. Key, the headmaster, who expressed the prescient opinion that the boy ought to be allowed to stay on until he was of an age to go up to a university and that after taking his degree he should study for the Bar. But his father and his father's relations and friends were all steeped in generations of commerce and did not hold with fantastic notions about universities and professions. There were the family businesses $ they had been good enough for them to go into, when they were boys 5 they ought to be good enough for their sons. Trade was the life, not high-falutin nonsense about Oxford and Cambridge, which would only give the boys ideas and standards which they could not hope to attain. As for the Bar, it meant long years of unproductive waiting, during which parents had to maintain the budding lawyer with no certainty of ever receiving adequate value for their outlay.

So, after six uneventful months at the establishment of a Dr. Keyserling in Hanover for the purpose of learning German, into the business, then established at Moscow House, Eastcheap, young Rufus went, little captivated by the prospect but in some degree reconciled to it by the possibility of frequent visits to the Continent with which the office routine was punctuated.

By this time, when he was aged fifteen, his parents had already been for some years settled in the area of Hampstead in

which they were to continue to reside for the next quarter of a century, and were living in Belsize Avenue next door to Mrs. Isaacs' parents.

Rufus found life in London not displeasing. When his parents had left Finsbury Square, they had been compelled by the mere force of distance to cut themselves off from most of the friends of their youth and early married life, who had been to a very large extent Jewish families of orthodox habits. With the change to Hampstead came a new circle of friends living in that neighbourhood, of whom many were not Jews at all and others were Jews of a far laxer religious observance.

That was much more to Mrs. Isaacs' liking, for she had little sympathy with the rigidity of orthodox Judaism and was forever urging her husband, who clung to his old-fashioned beliefs, to break away from tradition and emancipate himself and his family from the bonds of ritual. Until this stage family prayers had been a regular daily institution, for Mr. Isaacs was a devout Jew and hoped to instil into his children the principles and practices which had moulded his own youth. But the children, belonging to a newer age and little disposed to accept discipline in any form, shared their mother's views, and one incident served to convince their father that his struggle was in vain.

He and Mrs. Isaacs were going away for a few weeks and before leaving he enjoined upon Harry and Rufus the necessity for daily prayer. He seems, however, to have had some doubts whether his injunction would be fully obeyed, for prior to his departure he secretly inserted into the boys' prayer-bags an inconspicuous onion. On his return he duly inquired as to the regularity of their prayers during his absence and was assured that they had been most diligent in their devotions. Unfortunately the bags failed to confirm this assurance, for on being opened each revealed a finely sprouting young onion, which had obviously benefited from its long period of undisturbed seclusion. The result was a thrashing for the boys and a shaking of the father's determination to persist in imposing the old ways upon his family.

Joseph Isaacs, known to his children as "the Guv'nor," was of medium height and sturdily built, fresh-complexioned and brown-eyed, with a heavy moustache, short side whiskers and an expression of great kindliness which was not belied by his real nature in spite of occasional explosions into wrath. Simple almost to guilelessness, generous to a fault, jovial and hospitable, he had something of the manner and appearance of a sea captain of the old school.

He dearly loved a gamble, whether in the modest form of a

game of cards or in the more ambitious sphere of the Stock Exchange ; but in spite of frequent financial reverses he rarely gave way to depression, and, however often advantage was taken of his credulity, his faith in his fellow men remained undimmed. Wherever he went, he was greatly liked, for he had about him a warm and genial humanity which was prepared to welcome and to retain each new acquaintance as a friend.

Though lie was in his own way a very distinct and far from negligible personality, he was completely dominated in business by his elder brother and in the home by his wife, submission to whose rulings he was accustomed to teach to his more rebellious children in the maxim : "If your mother says it is so, it is so, even if it isn't so."

Though they were often a sore trial to him, he cared deeply for his children and they as fully returned his affection, even if their methods of showing it were at times obscure. Rows, inevitable in so large and high-spirited a family, came and went but never lingered. His choleric outbursts were as short-lived as they were violent $ and, if he regarded corporal punishment as the sole cure for all the transgressions of his sons, he had been brought up in an age and a school which was not given to sparing the rod. Nor was provocation lacking and the occasions were frequent when Mr. Isaacs, seizing a convenient horsewhip, would rush to the attack upon Harry and Rufus for some more than normally flagrant escapade. They, using their advantage of youth and agility, would make a dash for the garden, whither their father would pursue them with menacing gestures of the whip. If the pursuit became too hot, over the wall the boys would vault into their grandparents' adjoining garden. Their father, unable to cope with this manoeuvre by like method, would be compelled to hasten back into the house, out of his own front door, down the steps, and up again into the next-door house. By the time he reached the neighbouring garden his sons would be back in their own domain, and so the operation would be repeated to and fro until Mr. Isaacs' temper and breath were alike exhausted.

But he derived great satisfaction from the mere cracking of the whip, the formidable sound of which would bring out Mrs. Isaacs in immediate defence of her young, though they were in little danger of physical hurt. For some reason she was wont thinly to disguise her intercession on their behalf in the French tongue, and her cries of *"Assez,* Joe !" would intensify the general uproar in which these scenes were enacted.

Such explosions on Mr. Isaacs' part were, however, short-lived. He never sulked or nagged.

Life in the home was certainly not dull, for quite apart from the incidents occasioned by the misbehaviour of the children the scale of living fluctuated with remarkable frequency. Mr. Isaacs could make money but not keep it. When things were good, there would be horses and carriages in the stables ; when things were bad, they would vanish. So accurate a test of the family fortunes were the stables that the children's first question on arriving at the station from school came by long experience to be : "Is the carriage up or down ?" If up, their holidays were likely to be gay, carefree affairs ; if down, strict economy was the order of the day.

In this entertaining, if slightly mercurial, household Rufus prepared to settle down, his education at an end and the prospect before him of immersion for the rest of his life in the daily routine of the family business.

But if during working hours it was necessary under the paternal and avuncular eye to affect a semblance of decorum, high spirits required and found an outlet during the evenings.

Mr. and Mrs. Isaacs had many friends and their children soon developed a large circle of their own. Some were regarded by the parents as desirable, others not. Rufus's closest friends of this period certainly fell into the second category, but in face of much parental opposition he continued to frequent their houses. Matters came to a head when at the age of fifteen he sought a private interview with his father and explained to him that he wished to get married to the sister of one of his least acceptable friends.

"Oh, you do, do you ?" said Mr. Isaacs on recovering his breath. "And what do you propose to live on ?"

"Oh, that's your business !" promptly replied the prospective bridegroom and the interview terminated in confusion.

But however absurd the suggestion of marriage might be at that time, Mr. Isaacs was satisfied that Rufus was being encouraged in wild ways and that London was no place for him until he had acquired more balance and restraint. Nor was he by any means confident that Rufus would ever tolerate the life of an office for long. Searching for some environment in which discipline might play more part, his thoughts turned to the sea. Here was a life of adventure combined with discipline, and above all a life which would remove Rufus for a long time from the charms of the siren of the moment and fill his head with new experiences and fresh ambitions.

Rufus, who cordially disliked the office in Eastcheap, was not unwilling and on October 9, 1876, he and his father departed

for Cardiff, where arrangements had been made for him to join as an apprentice the ship *Blair Aihole*^ owned by Messrs. Thomson and Grey of Glasgow, with whom his father had business connections.

On the next day they went on board and Rufus was introduced to Captain Alexander Taylor, a Scot from Stirling, who put before him the apprenticeship agreement and invited him to sign. But Rufus had no intention of being rushed into signing a document the implications of which he did not yet understand. He insisted that the terms be explained to him and, on discovering that he was binding himself for a fixed period of two full years to an occupation which might well prove distasteful to him at a far earlier date, he flatly refused to sign. The captain assured him of the happiness of the three apprentices of about his own age who were already on board. His father protested that he had not come all this way for nothing, that he would not have the boy at home, that he was not going to be made a fool of before the captain, and that there was to be no more nonsense about signing. When the storm had spent itself, Rufus delivered in turn his own ultimatum. If the decision was that he should go to sea, to sea he would go. But sign for two years as an apprentice he would not. If he went, he would sign articles as one of the crew. Arguments, persuasions, threats left him unmoved, and on his sixteenth birthday he signed on as ship's boy at the munificent wage of ten shillings a month.

The popular story of his going to sea, in wide and inaccurate circulation in the later days of his success, has always alleged that he ran away from home and joined a ship as cabin boy. He did not run away and he was not the cabin boy, a post of relatively sheltered and privileged luxury compared with that of ship's boy, who is the humblest and least considered of all deckhands. It may be that the fictitious account possesses at first sight a more romantic aspect, but the true tale displays a character and determination not ordinarily to be found in a boy of his age. To the ship's boy were allotted all the more menial and nauseating tasks, and among Rufus's daily duties was the cleaning out of the pigsty containing potential fresh meat for the officers' table, an operation which—referring to the ban imposed by the Jewish faith upon the eating of pork—he characterized in a reminiscent speech to the Pilgrims Society on his return from India in 1926 as "one which in view of my origin I might well have been spared !"

Rufus was given no time to accustom himself in port to his new surroundings. On the same day on which he signed the

Articles with a signature already so clearly formed that it differed little from that of the Attorney-General of thirty-five years later, the ship set out on her long voyage, begun at the Port of London on September 50, 1876, and destined to last till her return to the same port on September 15 of the next year.

The *Blair Athole* was an iron-built, full-rigged ship of 1,777 tons gross, then in the pride of her youth, for she had been built by Messrs. Elders of Glasgow and launched there only two years before.

She carried in addition to four officers and three apprentices thirty-three hands of a strange medley of nationalities, among them two Germans, two Swedes, two Portuguese, a Frenchman, an Italian, an Austrian and a Brazilian. Two of them had already had enough of the ship by the time she reached Cardiff from London and had promptly deserted. Two more were to desert and one to be absent for some days without leave at her next port of call.

With this polyglot company she set sail from Cardiff on a voyage, according to her Articles :

"To Rio de Janeiro, and any places on the east and west coasts of South, North, and Central America including the United States of America between East Port and Galveston inclusive, California and Oregon, North and South Atlantic and Pacific oceans, Cape and Australian Colonies and New Zealand, West Indies and the India and China Seas and Straits and Japan and the Mediterranean Sea. To and fro for any period not exceeding three years and back to the port of final discharge in the United Kingdom or on the Continent of Europe between the Elbe and Brest."

It was a comprehensive itinerary, but, as in the Articles of Association of any company a number of contingencies are provided for that are little likely to arise, so there was every expectation that the actual voyage contemplated by the owners would come to an end in a far shorter period of time than the maximum limit of three years. Anyhow, the possibility of an earlier termination of his seafaring under the ship's Articles was in Rufus's view preferable to the certainty of two years' service ordained by the apprentice agreement.

The whole business of going to sea was an experiment and he had no intention of giving it a longer trial than was necessary. If it was a success, he could always sign on for a further voyage and in a different capacity. If it was a failure, he could escape from bondage without undue delay.

Captain Taylor was not the elderly tyrant of the conventional sea story ; he was a young man of only thirty-three but he had his own ideas of the authority of a captain and how to maintain it. His crew had already learned to respect but not to love him during the short voyage from London to Cardiff, and his methods did not moderate on leaving the Welsh coast behind. They were only a few hours out from Cardiff on the first stages of the voyage to Rio when they ran into heavy weather. Sail had to be taken in at top speed and all hands were soon busy when the captain, spying the ship's boy unoccupied, roared out the order :

"Boy, up there and make fast that mizzen crojick clew-garnet."

Rufus, who had at that time not mastered the fact that he was being called upon to make fast the rope by which the clew, or lower corner, of the lower square-sail on the aftermost of the three masts was hauled up, gaped for a moment in bewilderment and then on impulse made a dash for the first loose end that he could see. His luck was in ; it was the right one. No special credit was given him for his fortunate choice, but he at least escaped the painful consequences of error.

The bad weather lasted for some days and Rufus did not enjoy his early experiences of the sea. He was exceedingly sick and his day's work was not made easier by the constant companionship of a tin basin lashed precariously around his neck. But before long the sea abated and placid days followed each other in a series of uneventful watches. By this time Rufus was beginning not only to find his sea legs but to feel his feet among the crew. Occasional fights would break out in the fo'c'sle, and it soon became apparent that he was not to be trifled with. Young though he was, he was muscular of arm and singularly quick of foot and he made up in agility what he lacked in weight. But he had no great love as yet for the sailor's life. Discipline was rigorous and food not too plentiful. Each man was entitled to one pound of bread, one and a half of beef or one and a quarter of pork, half a pound of flour or one-eighth pint of peas, one-eighth ounce of tea, a half-ounce of coffee, two ounces of sugar, and three quarts of water as his daily ration, but all the precautions of a fatherly Board of Trade could not ensure that these careful regulations were observed at sea. Salt pork was the most frequent fare, eked out with biscuits of an unduly high weevil content. Rufus had taken the wise precaution of making friends with the cook at an early stage and a clandestine visit to the galley was generally rewarded by a hunk of some anonymous substance, which, if not appetizing, was at least solid and very welcome to

a hungry and growing boy. On short commons though they were, there was no opportunity for the crew to supplement their rations by purchases ashore. The ship paused nowhere between Cardiff and Rio, and anyhow Rufus's wage of ten shillings a month scarcely sufficed for extensive shopping. As the weeks passed, the food became steadily less attractive until the crew decided that, if they were not to be reduced to semi-starvation, some active step must be taken. After much discussion they made up their minds to send a representative to the captain to lay their complaints before him, and, either because he was too young to disobey them or because they recognized his superior education, their choice fell upon the ship's boy.

The captain was not temperamentally disposed to listen to the grievances of his crew, but, when Rufus had said what lie had to say, lie paused for a moment's reflection and then announced that he would have the biscuits baked.

Rufus returned disconsolate to the fo'c'sle and was greatly surprised when his report of his interview was hailed as a triumph, the men explaining that, once the biscuits had been baked, they could be broken with a wooden pin and the weevils knocked out before the rest was eaten.

He would quote the incident in later years as an example of the fact that the most spectacular victories were not always the most effective and that it was often well worth while to score a local success even if one could not win a decisive battle.

But in spite of the prestige which he had thus acquired, by the time the ship reached Rio on December 1, 1876, after more than seven weeks at sea, Rufus decided that he had had enough. The experience, by a process of severe trial and frequent error, had been proved a demonstrable failure. Once he had taken his decision, he was not slow to act upon it. When the crew were given shore leave, instead of going into the city with the others he made for the open country behind. There he lay for several days in hiding, miserable and famished and without money to buy food, hoping that his ship would sail without him. Finally, driven by hunger, he ventured out of his "cache" ; but the ship was still in port and there was already a hue and cry after him, so that he dared not go near the shops. Sick with starvation, he threw himself upon the charity of a stout negress, who fed him for two days on a nourishing but monotonous diet of bananas, having nothing else to give, and let him take refuge in her cabin. He was safe for the moment, but this Arcadian interlude could not last for ever. His generously proportioned protectress began to make advances to him as unmistakable as they were unalluring.

It was possible to pay too high a price even for food and freedom and as soon as her overbroad back was turned he fled precipitately from her wiles.

His own ship was in no hurry to resume her voyage and the only hope of escape seemed to lie in secretly joining another. So Rufus stole back into the city and, making his way to the docks, entered a sailors' lodging-house. This was a false step. The story has often been told that, when someone came into the common room of the lodging-house and inquired if there was anyone present who could do logarithms, he gave himself away by acknowledging that he could, and that, suspicion being roused by this unusual accomplishment, swift recapture followed. His own version was quite different and to the effect that, being unable to give any satisfactory account of himself, he was taken before the harbour master, who interrogated him closely as to his identity. All might still have been well if the harbour master had not by chance been accompanied by a daughter of such ravishing beauty that Rufus, gazing upon her spellbound, paid no heed to answering the questions rained upon him, replied at random, and was swiftly exposed. Retribution followed ; for the next three days he was put as a punishment to shifting coal in Rio harbour, the only white man among a gang of negroes, Indians and half-castes in an atmosphere which made even his hardened companions gasp for breath and pour with sweat.

This drastic treatment was at least successful, for he made no further effort at escape. But, if it did not increase his affection for either the life of a sailor or the personality of the captain, it did no lasting harm either to his health or his spirits. On January 12, 1877, the *Blair Athole* set sail once more, bound this time for Calcutta across the vast and featureless South Atlantic with the ship's boy on board again, undaunted by his Brazilian adventures or their unpleasant climax.

As hot lazy days succeeded one another, there was little to keep the crew occupied and fights broke out again. The captain was not the only tyrant. Lower down in the hierarchy and in closer daily contact with the crew was the boatswain, a Royal Naval Reservist with the grimly *Treasure Island* name of Isaac Cribb, a heavy and ready fist and a vocabulary of wide range and considerable originality. Upon the ship's boy the weight of his hand and the lash of his tongue fell with increasing frequency, till one tropical night on the deck, with the crew gathered round in rapturous anticipation, the blood of Daniel Mendoza was roused and Rufus fought and knocked out the hated bully. As their oppressor's head hit the planks with a gratifying thud, an

ecstatic cheer went up from the audience. From that moment Rufus's place in the respect of the rough crew was assured.

Fourteen weeks after leaving Rio the ship entered the Hooghly on April 23, 1877, and the ship's boy caught his first glimpse of a country that he was not to see again for forty-four years. His chief recollection of that first contact with India was of the blood-curdling roars of tiger in the Calcutta zoo, echoing through the stillness of the night and causing him to be thankful for the protective stretch of water between ship and shore.

Another memory of the visit was concerned with the impression made upon the young ladies of the city by his skilful display of the art of roller-skating, then in its infancy of fashion.

Many years later Sir Clement Hindley, who had been chairman of the Calcutta Port Authority during his Viceroyalty, wrote to *The Times* on the occasion of his death a description of his next visit to the scene.

Lord Reading had been persuaded to take a rest from his exacting public engagements and to come for a day on the River Hooghly in the Port Commissioners' sloop *Pansy.* We were a very small party, my other guests being half a dozen of the leading commercial figures in Calcutta, and at the breakfast table Lord Reading told us of his experiences on his previous visit to the Hooghly, some forty-five years before, when serving as an apprentice on a sailing ship. Among other incidents he described the pilot coming on board, smartly dressed and wearing white gloves, and recalled how he had considered it the proudest day of his life when he was ordered to carry the pilot's bag up the gangway.

A few hours later, steaming downstream, we got into wireless touch with H.M.S. *Southampton,* the flagship of the East Indies Squadron, then proceeding up the river on an official visit to Calcutta. The presence of the Viceroy on board was communicated to H.M.S. *Southampton,* and we were able to arrange to pass her in a long open reoch of the river, which formed an admirable setting for the dramatic scene which then took place. As II.M.S. *Southampton* came round this wide curve of swiftly flowing water in brilliant sunshine, she fired a salute of thirty-one guns, and her whole ship's company were paraded on deck, while the Viceroy of India stood alone on the upper deck of the *Pansy* to acknowledge the salute, his own flag flying from *Pansy's* main mast. When the two ships passed, we heard the National Anthem played by the band, the marines drawn up on deck presented arms, and the White Ensign at the stemp dipped.

Not one of those present aboard the *Pansy* can ever forget the impression made by the solitary figure of the Viceroy standing bare-headed in the sunlight to acknowledge these royal honours, remembering as we did the simple words in which he had just been telling us of his

humble visit and the incident of the pilot, which had taken place almost at the same spot so many years before. There can be very few Viceroys who have received a Royal Salute from one of His Majesty's ships afloat, and certainly no other Viceroy in such circumstances.

The *Blair A thole* left Calcutta on May 20, 1877. The homeward voyage was uneventful and on September 15 she reached London again after an absence of nearly a year. Whatever else the ship's boy may have been, he cannot have been extravagant, for he received on discharge the sum of £3 lis. as balance of wages due to him out of his handsome remuneration of 10s. a month.

But so glad was he to be home again that he leaped ashore before the ship had moored, leaving even his sea chest behind him.

Thus ended Rufus's career at sea. The *Blair A thole* went on without him, roaming the world across seas on which steam was always more relentlessly displacing sail.

In 1892 she set out from Barry, bound for Java, but was so unfortunate as to encounter off the Cape of Good Hope a terrific storm in which she was dismasted and lost all her boats.

But Captain Taylor, still in command, was undaunted. Jury masts were rigged and without calling at any port or receiving any assistance the ship limped into Batavia after a voyage of one hundred and eleven days. There she was obliged to wait until new gear could arrive from Glasgow and there Captain Taylor died.

Finally, on February 27, 1893, re-rigged as a bark, she set sail from Sourabaya on a voyage to Vancouver, B.C., laden with baskets of sugar. But her measure of ill luck was not yet exhausted $ she was not heard of again and how actually she came by her end will never now be known.

Rufus went back to the family business, assured that he had been right in his decision not to surrender his liberty for an apprenticeship of two long years afloat. He had had enough of the life of a sailor, but he never lost for the rest of his life his abiding passion for the sea. Never again was he as happy as when on it or beside it. There seemed to be some confidential understanding between them. In later years he would leave London at the end of a summer of overwhelming work, white and drawn and weary almost to speechlessness, bound for his annual cure at some Continental spa. As soon as he got on board the Channel steamer an almost magical change would come over him. He would pace the deck tirelessly, however stormy the sea, sniffing the brine, watching the sailors, scanning the water for passing ships and speculating upon their tonnage, cargo and destination.

Great was his joy if a sailing ship hove in sight. He would examine her rig with professional eye, and, if it bore any close resemblance to the *Blair Athole,* his happiness was complete. He would watch her for a while in meditative silence, and then out would come some reminiscence of those far-off days when he was not a first-class passenger comfortably crossing a short span of channel but a ship's boy rolling and tossing round the world under sail.

In his last years the ships lying in the Downs or passing up and down Channel off Deal and Walmer were a never-failing source of interest to him $ throughout his life he would always read with avidity books about the sea, and, if on one of his occasional visits to a gallery he bought a picture, it was certain to be a seascape. Indeed, one of his purchases, depicting a ship not unlike the *Blair Athole* with all her sails set, hung over the mantelpiece in the dining-room of his house in Curzon Street till the end.

But in September of 1877 America, India and the sea in general were things of the past. The future held little promise of resuming connection with any one of them either as Ambassador, Viceroy, or Lord Warden of the Cinque Ports ; the immediate outlook was confined to the family office and the problems and preoccupations of the fruit trade.

It is scarcely remarkable if the year of release, for all its hardships, had not disposed him more favourably towards a business career. Trade at the time was reasonably good and work largely a matter of routine. All questions of policy were naturally in the hands of his father and uncle, and he found himself apparently bound to a longer and drearier apprenticeship than that which he had rejected at Cardiff a year before.

It is doubtful whether he would have remained at it even as long as he did if the drudgery had not been punctuated by occasional journeys abroad, with one period of eight months in the office of Magdeburg of Messrs. Junker and Heynemann, with whom M. Isaacs & Son did considerable business. This firm still existed in 1955 and sent me at his death a photograph taken during his residence with them in 1878, which by some prophetic instinct they had preserved throughout the years between.

His stay in Magdeburg was brought to a sudden and violent end. There was at Junker & Heynemann's at the same time a young Dutchman whose family had also close connections with the Magdeburg firm. Rufus and he were not particularly congenial companions, and one night at dinner a quarrel broke out between them which was clinched by Rufus seizing a large tureen of hot pea soup and inverting it over the furious Dutchman's head !

Messrs. Junker & Heynemanii thereupon decided that perhaps their English friend's son had learned as much as, if not more than, they could usefully teach him and dispatched him incontinently home.

Frequent shorter journeys took him to Holland and Belgium. On one occasion he was returning from Antwerp in a small ship loaded with an urgently required consignment of soft fruit, red currants and raspberries predominating. As darkness fell, the wind and sea got up and Rufus was glad to find warmth and shelter in the captain's cabin, where they soon became immersed in the exchange of yarns. Suddenly their horrified eyes were caught by a trickle of blood from under the door. Rushing to open it, they found that the passage outside was also running with blood. Dashing out on to the deck, they were confronted with the fearful spectacle of blood everywhere. It was only after the first shock of terror was past that they realized that the rising sea was sweeping over the bows where the baskets were stacked and that the decks were awash not with blood but with the scarlet pulp of fruit.

These occasional excursions lent some variety to an otherwise monotonous existence, but they were too rare to reconcile Rufus to an office stool in such static and humdrum circumstances. There were few excitements and no prospects, and he fervently longed for both.

For some time his mind ranged over possible alternative occupations which would at least not be blighted by the dead hand of security, where the future would have all the delights of uncertainty and he could be his own master, away from the control of the elder generation. His eldest sister, Frances, had by that time married a stockbroker of Dutch descent, Albert Keyzer, and it was into his new brother-in-law's office that, more from a desire for change at any price than from any particular urge towards stocks and shares, Rufus decided to go.

There, first as a clerk and later as a full member of the Stock Exchange, he was destined to remain from 1880 until 1884, a longer period than he had hitherto spent in any one place. On becoming a member he entered into partnership with a Mr. Gerald Phipps as jobbers in the Foreign Market with offices first at 5, and later at 9, Copthall Court. On the dissolution of this partnership at the end of 1883 he continued in the same market on his own account.

It was during this time that his youthful enjoyment of life was at its height and found its most various scope.

Life at home was far from dull.

At the date of his return from the sea in 1877 the family was still undiminished by marriage. The two eldest girls, Frances and Nellie, were regarded by their younger brothers and sisters as being rather aggressively grown up and concerned with their own affairs, such as clothes, young men and music.

The next two in age, Harry and Rufus, had not outgrown, and indeed never outgrew, the bonds which early comradeship in rascality and retribution had forged between them. They were inseparable companions and together formed a powerful influence in the family circle, standing up for the younger children against what they considered the oppression of the elder and instilling into their juniors the elements of a discipline which they themselves had never acquired.

Inevitably among so many high-spirited boys and girls there were occasional rows, and it was always to Rufus that both sides turned as peace-maker between them.

The next brother, Godfrey, universally known as Jack, was of a different temperament from his brothers. Of quieter and more studious habit, he was inclined to take himself seriously and to indulge a taste for the use of long and recondite words, looking with obvious disdain upon the ebullient levity of his elder brothers.

They in their turn decided that he was becoming pompous and needed a lesson. Godfrey had reached the stage of adolescence at which he was becoming interested in young women and particular about his clothes, and one Sunday afternoon he strode forth splendidly arrayed for conquest.

Now in so numerous a family garments were bound to be passed down from one to another, and, as Godfrey in his best attire marched proudly down the road with the favoured lady of the moment at his side, from behind a hedge appeared the heads of Harry and Rufus, crying loudly : "Take off my coat! Take off my trousers !" till the wearer was overcome with confusion and his companion with mirth.

The next two children, Florrie and Esther, were close together in age and tastes, having marked artistic talents. Both were promising art students in their youth, and, though Florrie abandoned painting on her marriage, Esther, who later became the wife of Alfred Sutro, the well-known dramatist, herself earned considerable renown as an artist.

The youngest of the family, Fred, was then still a child. With great charm and engaging high spirits, he was very like Harry and Rufus in temperament. Unhappily he contracted tuberculosis as a young man and after several years of suffering died in his early thirties before he had had time to make his mark.

The presence of so large a family of brothers and sisters meant a wide circle of friends. There were constantly young people of different ages in the house, and Mr. and Mrs. Isaacs were always delighted to see those of whom they did not for some good reason disapprove. Sunday evenings in particular were an occasion for open house, but a stranger had to be quick of tongue and thick of skin to protect himself against the mass attack of family wit. Most of the children were extraordinarily quick and apt at repartee and not too particular in refraining from personalities. They would chaff each other with great cheerfulness and real humour, but they preferred the presence of an outsider to act as a whetstone to the sharpness of their tongues. Even if he sat defensively silent, he was at least an audience and they were content to play for his benefit.

After supper there would generally be whist or nap for the elder people, games regarded by the younger with ill-concealed contempt. Mr. and Mrs. Isaacs were both confirmed card players, a taste which they shared with Mrs. Isaacs' parents, old Mr. and Mrs. Davis, to whose house by long custom they always went once a week for a game. Play in that circle was apt to be conversational and at times acrimonious, and the lot of peace-maker was hard. It is related that on one occasion the host, in an optimistic effort to preserve decorum, said firmly, as the party took their places at the table :

"Now, to-night we won't play with any remarks," whereupon a stout, elderly lady, rising in indignation from her seat, cried :

"Oh ! won't you ! then you won't play with 'Enery Marks's ma !" and flounced hotly from the room.

But cards were by no means their only or their main resource. Music played an immense part in their daily lives. Night after night they would sing passages from the Italian operas, with a preference for *Rigoletto* and a leaning towards the quartettes. Mrs. Isaacs played the accompaniments and sang contralto. Mr. Isaacs, who knew no note of music but had a natural voice of real beauty and an astonishingly accurate ear, was the tenor. His brother Henry and his wife, who lived only a few doors away, made up the full complement. Henry had as a young man been trained for the career of a singer and in the course of his training had met and married his wife, who was then already appearing professionally upon concert platforms. Fortunately Nature had made him a bass and her a soprano, so that the quartette was complete. Nor was it only the elder generation to whom music made an appeal. Frances and Nellie, the two eldest daughters, were both gold medallists of the London Academy of Music, the

one for piano, the other for singing. Rufus had a light baritone voice of great purity, and the others were always prepared to take such parts as the more accomplished performers allotted to them. But their repertoire was more up-to-date and sprightly, their speciality being the new light operas of Gilbert and Sullivan, then in the first glow of popular favour.

In this way the earlier part of the evening would be spent, till the singers were exhausted and the room could be cleared for a dance.

Such was the standard evening in Belsize, making up in zest what it may have lacked in sophistication. At any rate, the family so hugely and obviously relished the display of its own wit and talent that no guest could escape the infection. Moreover, there was much going out to other houses in the neighbourhood, and on Sundays a whole cavalcade of young people would set off on horseback for the day, riding out into the country to some selected inn for luncheon, Rufus mounted on a thoroughbred mare of his own of which he was vastly proud.

In all these gatherings Rufus was greatly in demand. He was an exceedingly good-looking young man and in his way a considerable dandy, and it must be admitted that, if the young ladies were impressionable, he himself was distinctly susceptible. Not without cause was he known as "the Idol of Belsize," but the number and ease of his conquests were a matter of considerable embarrassment to him. He was always on the point of proposing to some young woman and never wholly sure whether she imagined that he had already done so. In consequence he found it advisable to make a practice of escorting one of his younger sisters to every dance, having carefully warned her beforehand that, if she saw him in solitary conversation with the particular young lady who was a source of apprehension at the moment, she should at once come to his rescue and not leave him alone again until the disconcerted damsel had been claimed by another partner. He broke a number of hearts, not callously or intentionally but quite simply because he could not resist the young women. Mammas looked at him askance, but daughters adored him, although, or perhaps because, they knew him to be as fickle as he was irresistible. As one young woman confided to his sister Florrie :

"I know he's a very bad man, but if he asked me to marry him to-morrow, I could not possibly say no."

Yet, if his conduct was not always impeccable, at least his clothes were. The sheen of his hats, the cut of his coats, the splendour of his ties were the envy and despair of his contemporaries. But if his contemporaries were envious and desperate,

anyhow one of his elders was equal to the occasion. Old Mr. Davis, his grandfather, already over ninety years of age, had by then established himself at Brighton, where he filled his days with heated rubbers of whist and endless French novels of not even dubious morality. Rufus, who had a great affection for the old man, would go occasionally to spend a day or two with him and on one of these visits appeared in a new double-breasted blue serge suit, then the very latest mode, which greatly took his grandfather's fancy. Waiting till his grandson had changed into less formal attire and left the house, old Mr. Davis stole up to the spare room and arrayed himself in the coveted garment. The effect was good up to a point, but alas ! his ageing chest was not equal to the task of filling out the coat so as to display its true beauty. Undismayed, he turned to a drawer and hastily crammed his guest's socks into his guest's coat until the requisite tautness was obtained, then with hat suitably cocked strode forth on to the Parade with all the jauntiness of nineteen belying his ninety-one years. An indomitable spirit !

Younger men might have been in equal difficulties in filling Rufus's coat, for, although slender, he was, especially at this time, of considerably muscular strength.

Among his Stock Exchange friends was a great character named Jack Angle, known and liked by everyone, with a soft heart but an iron fist, one of the leading amateur boxers of the day. It was at his suggestion that Rufus decided to acquire some knowledge of an art for which he had already shown an instinctive aptitude at the expense of the redoubtable Isaac Cribb.

He accordingly became a pupil at the school kept by an ex-prize fighter, Ned Donnelly, behind the Cafe Royal and there he would pass each day the hours between leaving the Stock Exchange and dinner time. Before long he had attained a considerable proficiency, and it became his habit to take on any casual visitor to Donnelly's who wanted an opponent. Moreover, such was his enthusiasm that he continued to practise at home on any available material with the unfortunate result that each of his younger brothers went through life with a broken nose.

Nor did his own nose remain scatheless. One evening in the course of a lesson Ned Donnelly urged his pupil to hit him and hit him hard. The pupil responded with gusto to the invitation and hit him so hard that he drew blood. This was more than Donnelly had bargained for, and suddenly "seeing red" he chased his unfortunate pupil around the ring, belabouring him mercilessly, till a final punch on the nose was followed by such a volume of blood that he as suddenly recovered control and went to the

assistance of his victim. But the damage was irretrievable and Rufus's nose, hitherto straight, developed a Roman bridge which it retained for the rest of his life. Even more serious at the moment was the effect of the disaster upon Mr. Isaacs, who on viewing the damage forbade his son to enter for the amateur championship of his weight, on which his heart was set and in which he was expected to make at least a good showing.

Rufus's boxing enthusiasm was by no means confined to Donnelly's ring or to the home circle. Many evenings would be devoted to encouraging boxing among working men and boys in the East End, when Jack Angle would be referee and Rufus timekeeper. Usually he greatly enjoyed these expeditions but there were alarming moments. In particular he never forgot one night at the "Blue Anchor," Shoreditch. He and Jack Angle were the only wearers of collars among the large gathering of tough-looking men with handkerchiefs about their necks, who were not entirely satisfied with the referee and not backward in showing their disapproval.

A moment came when Angle had to give a decision on points against one of the local champions, in whom the audience had no doubt some financial interest. Uproar broke out and the crowd began to close in upon the visitors from the West End. The situation looked so ugly that the proprietor of the premises, stepping into the ring, took it upon himself to announce that if anyone was dissatisfied with the decision either of the gentlemen would take him on there and then.

This was all very well for Jack Angle, who was a heavyweight of great skill and experience, but a much less attractive prospect for Rufus, who was under eleven stone and comparatively a novice. A few sickening moments passed in silence while the audience deliberated this challenge, Rufus feeling all the while that the thudding of his heart must be audible to everyone. But the landlord knew his patrons, who slowly retired to their places, though not without scowls and mutterings. The situation was saved, and Rufus heaved a sigh of relief and mopped his brow trickling with the sweat of apprehension.

In fact, if the challenge had been accepted, he would probably have given as good an account of himself as he did on another occasion, the memory of which he cherished throughout life with pride.

One night he and his elder brother, Harry, were walking through Trafalgar Square at a late hour, when they observed a coffee stall close to St. Martin's-in-the-Fields and, becoming conscious of the need for refreshment, stopped and ordered a

cup of coffee each. There was a small knot of men already gathered at the stall and one of them, a large and truculent person, apparently took exception to gentlemen in evening dress patronizing it. At all events he set himself to thumping the counter with the object of upsetting their cups of coffee. Rufus told him twice sharply to stop, but he paid no attention. Rufus thereupon went across, gave him a resounding smack on the side of the face, and informed him that if he wanted any more he could have it. In a second coats were off and a ring was formed by the bystanders and kept with difficulty by Harry and two other friends. It was not a long fight. The other man was heavy and strong but slow, and Rufus, dancing around him, soon caught him a blow on the jaw which sent him crashing to the ground. But it was not a moment too soon, for the cry was raised that the police were coming $ and Rufus and his companions made a dash for a fortunately passing hansom and were driven rapidly away from the scene, though not before two or three of the bystanders had pressed round and shaken his hands in gratitude for having subdued so speedily a man who had been a notorious bully and curse to the neighbourhood.

It is doubtful whether Rufus ever savoured with as great relish any of his subsequent victories in more bloodless fields.

For the moment, anyhow, he was highly pleased with life. He had ceased to be a clerk and was now a full member of the Stock Exchange. He had good looks, high spirits, enormous vitality, numbers of friends, and no intellectual pursuits of any kind. He had read little, for he had little leisure for so inactive a pursuit. An early ride, a day divided between his office and the ''House/' a bout of sparring at Ned Donnelly's and either a dance in Hampstead or a more elaborate evening in the West End left little spare time. It must be confessed that the familiar story of him standing on his head in a box at the Empire and applauding lustily with his feet is only too authentic. He was in fact the complete young stockbroker of the period, working fitfully during the day and playing hard for much of the night. He seemed at last to have found his niche and there was no apparent reason why he should not continue to occupy it for the rest of his life, growing perhaps more staid and more prosperous as the years went by, but making no mark on the surface of events beyond the limits of his own small circle.

From this stagnation he was delivered by disaster. He was incautious and inexperienced and a sudden slump caught him unprepared. His capital was small and he was unable to meet his liabilities. There could be only one sequel and on August 14,

1884, he was duly "hammered." Thus at the age of twenty-four he found himself, after having rejected two occupations chosen for him, rejected by the one which he had chosen for himself and burdened with a load of debt of over £8000. The rolling stone, having shed the little moss that it had gathered, decided to roll once more. At the moment Panama was figuring largely in the newspapers as the latest potential El Dorado, and thither he decided to make his way on the chance of being able speedily to retrieve his shattered fortunes and to repay those who had suffered loss by his default. His father, who, in spite of having been sorely plagued by him, was deeply fond of him, reluctantly agreed. By that time both Harry and Godfrey were in the business, so that there was little room for him there. Moreover, he had already tried it twice and found it not to his liking. Perhaps it was best that he should make a new start in a new country. So all the necessary preparations were made and farewells said, and Rufus betook himself once more to the station to set out on a voyage to America.

But Fate was reckoning without Mrs. Isaacs. It was no part of her plan that her favourite son should thus depart into exile, and she was not accustomed to having her plans thwarted. Ever since the scheme had first been mooted she had expressed her unwavering disapproval, but her arguments had for once been swept aside by the consensus of masculine opinion that there was nothing else to be done. She thought otherwise. She had never forgotten the advice of the headmaster of University College School and at this point she once again propounded the suggestion that Rufus should read for the Bar.

It seemed a fantastic enterprise for a young man of twenty-four who had so far nothing but failure behind him. It was an expensive imestment which appeared highly unlikely to yield a return. It would mean at least three years of study before he would be in a position to begin, if he ever did begin, to earn money with which to repay his creditors. He would never endure so long a period of apprenticeship. He had not had the right type of education to fit him for so exacting a profession. He was a Jew, and few Jews had so far gone to the Bar. So ran the steady stream of argument against her proposal, but she had one argument left and, when her cause seemed utterly vanquished, she played shamelessly and successfully her last and best card.

No sooner had Rufus left the house for the station than she produced a fit of hysterics of such violence that her family became seriously alarmed. As the fit grew in intensity, a hurried council was held downstairs. Repetitions of these outbursts were too

much to contemplate ; immediate action must be taken by removing the cause. A decision was rapidly made and as swiftly executed. Off to the station rushed Harry in a hansom bribed to breakneck speed, and just before the train was due to steam out he hauled his astonished brother from his seat. The cure was instantaneous and Mrs. Isaacs, restored to equanimity, resumed her campaign in favour of the Bar. Mr. Isaacs' opposition weakened. But no one could tell whether Rufus would find the practice of the law more congenial than the other occupations of which he had already acquired first-hand experience. It might be wiser for him to serve a preliminary period of introduction to so new and unfamiliar a career before definitely committing himself to its pursuit. The family solicitor was an old personal friend, Mr. Algernon Sydney, who carried on his practice at 46 Finsbury Circus. Would it not be an excellent notion that Rufus should go for six months to his office and there decide how he and the law were likely to agree ?

With this compromise Mrs. Isaacs was satisfied, and Rufus began his connection with the profession in which twenty-five years later his name was to be a household word. He had taken his failure on the Stock Exchange deeply to heart $ he was being given a fresh start and he intended to make the best use of it. He who had been the moving spirit in all the local gaieties, who had delighted in dances and theatres and all the amusements of youth in London, suddenly vowed that he would go to no more theatres or dances until his Bar examinations were passed. His resolve was greeted with mingled incredulity and derision but he kept to it. In the new regime imposed upon him by the study of the law it was no longer possible to find time for visits to Donnelly's sufficiently regular to keep him in training and practice. But he could not forgo all exercise and, if working days were now crowded, there was still Sunday. He had always been fond of walking and now his free day was devoted to long excursions on foot into the country. With one or two friends he would set out on expeditions to places as far off as St. Albans and back, often doing more than thirty miles in the day with no worse effects than occasional stiffness of body or soreness of foot.

He had not been long in Mr. Algernon Sydney's office before he discovered that here was a type of work which made a profound appeal to him and that the Bar must be the next step. On January 10, 1885, he was admitted as a student by the Honourable Society of the Middle Temple and settled down in earnest to tackle the problem of passing the necessary examinations in competition

with young men just down from the universities, whose education had been prolonged till the twenties while his had ceased at the age of fourteen.

Time and again in later years he would express to me his unqualified regret that he had never been to a university, and, if I pointed out that even without that advantage he did not seem to have done too badly and that perhaps the experience lie had gained in more practical fields had stood him in better stead, he remained unconvinced. He felt always that he had missed something for which no substitute can compensate and that, if he had had the benefit of a university education, he would have been able to take in his stride difficulties over which he had been compelled in after-life to waste precious time.

Nor was it only lack of education that disturbed his mind. With the sudden and complete change of environment and habits of life there had come to him a new seriousness, and he was distressed to perceive in himself a complete absence of spiritual faith. Though his mother's determination to uproot the old orthodoxy had been as welcome to Rufus as to his brothers and sisters, he now found himself confronted by the realization that she had failed to plant anything in its place and that, so far as the religious side of life was concerned, desolation reigned.

His problem was no easy one. He could not go back to the strict formalism of his childhood, not merely because he had already been detached from it for so many years but chiefly because he was fundamentally out of sympathy with anything but an irreducible minimum of religious rite, holding that a multitude of observances served to obscure rather than to illumine faith. The more liberalized forms of Judaism recently introduced seemed to him only an unsatisfying compromise. Christianity, deeply though he respected it, was not the answer to his quest. It was his own view that, if he had been able as a young man to start from the beginning, free from all loyalties and attachments inherited or acquired, he would have found his goal in Unitarianism. Austerity in religion had no terrors for him and luxury either of emotion or display no appeal.

Though he never severed connection with Judaism and left in his will instructions that at his funeral there was to be "a simple Jewish service/' he never made any pretence of observing even the most solemn occasions of the Jewish year, and never entered a synagogue save for a wedding or memorial service. Yet he was far from either atheist or agnostic ; he clung to the simple and central article of his faith, the belief in One God, but he felt that obedience to so simple a creed required neither

church nor synagogue, parson nor rabbi, for its interpretation or enforcement.

Nevertheless, in his early manhood difficulties and failures induced in him the common phase of disillusionment with the world about him and affected him with a sense of spiritual loneliness which was accentuated by contact with devout Christians, especially among his women friends. His consciousness of having lost something infinitely precious and of inability to find anything adequate to take its place is best shown in the words of a frank and moving letter written by him in October, 1886, to a young woman, daughter of a Church of England clergyman, whose acquaintance he had made while staying *yviih* friends in Yorkshire.

I cannot say that I admire mankind, particularly City mankind, at present [he wrote]. But I have not the morbidly cynical opinions I had when I came to Cowick. I found simplicity there, I use the word in its highest and most refined sense. I found that there were people who did good actions in consequence of their religious feelings and not in consequence of their wish to gratify some vanity or conceit ; some who were satisfied not to go without reward altogether, but to reap the reward in the dim and distant future to which their religion taught them to look. I envied you all when you went to church and came away feeling happier. I still envy all believers, and can only continue to regret that I have ceased to be of their number. Had I seen more *true* religion, be it Christianity or anything else you like, I should possibly never have seceded ; unfortunately 999 out of 1000 are what your father once termed in one of his sermons which I had the pleasure of hearing, " Armchair Christians." There is bitter truth in these lines of Clough's :

"Of all the creatures under Heaven's wide cope
There are none more hopeless than those who had once hope
None so beliefless as those who have once believed ..."

The letter is signed : " One who would give anything for faith, Rufus D. Isaacs."

From the slightly sententious language there emerges the picture of a young man unsatisfied, adrift and forlorn, more deeply affected than perhaps he himself realized by his failure on the Stock Exchange, and conscious of his own exile from an aspect of life which brought peace, comfort and confidence to his friends.

The requirements of the law in respect of the knowledge of Latin were especially irksome to him, for the classics had played little part in the curriculum of any of his schools and his acquaintance with Latin was rudimentary. Nevertheless, he sat down to the task with all the greater determination since a new influence had recently entered his life. Most of the young ladies of the

immediate neighbourhood in Hampstead vised to attend a particular dancing class to which on certain occasions they were permitted to invite young men. Rufus was from time to time present on these evenings, and before long met there a young woman in whom he detected something different from most of her companions. It is perhaps curious that both he and his father should have found their wives among their dancing-class partners. It was not for a little time that he began to see much of his new acquaintance. But shortly before the Stock Exchange crash he had come to know a Mrs. Otto Strauss, a smart and good-looking young married woman, whose husband was a prosperous hop merchant. They entertained considerably at their house in Buckland Crescent, close to Mr. and Mrs. Isaacs' house in Belsize Park ; and Rufus was often invited to their parties, where he renewed his dancing-class acquaintance with the elder of his hostess's unmarried sisters, Miss Alice Cohen. Her parents also lived in the same neighbourhood, first in Adelaide Road and later in Adamson Road, both close to Swiss Cottage ; but the Cohen household was a very different one from the Isaacs'.

Albert Cohen was the son of a Hamburg merchant dealing in Manchester goods who died when Albert was only fourteen, leaving a widow and two younger children. The family, who had been in comfortable circumstances while the father lived, was left very ill-provided for at his death, and Albert decided to come to England. There he lived at first lonely, hungry and miserable. But he combined great industry with great frugality, and gradually, in spite of many checks and disappointments, he had built up a substantial business in trade with the British Colonies, especially in Africa, and married an extremely handsome girl named Elizabeth Friedmaim, by whom he had a son and four daughters.

His early struggles had cut him off from most amusements of a social type, to which he was anyhow little disposed by nature. His great pleasure lay in reading, generally books of a scientific or a philosophic kind. He was something of a recluse and also, though quite unconsciously, something of a tyrant. No one at home questioned his word and the entire household revolved about him.

Mrs. Cohen's tastes were mildly social. She liked the company of friends and acquaintances, enjoyed a party, and was in particular fond of amateur theatricals. Mr. Cohen was of a very different character. Though a capable man of business and a wise counsellor in everyday affairs, within his own circle he was the complete patriarch, expecting from the members of his family unquestioning and unvarying obedience and rigid observance of the routine in

which his daily life was set. His education combined with his blood to endow him with a Teutonic absorption in scholarship and a Semitic delight in dialectics. Though he had left Germany at an early age, it was to his own sternly disciplined youth in that country that his subsequent dictatorship over his own family was due. He never bullied, never stormed, never made scenes ; he merely quietly insisted upon getting his way without conflict and without question. Of frail physique, delicate health and ascetic habits, with a hooked nose, bald head and sparse fair beard, he had much of the appearance and something of the mentality of a mediaeval rabbi.

His younger brother and partner, Edward, lived immediately opposite to him, and each morning with absolute precision Albert and Edward would emerge from their respective front doors, salute each other with grave formality and make their joint way to the station. Precisely at five o'clock in the afternoon they would reappear, take leave of one another with equal punctiliousness and retire each into his own house. From the moment of Albert's return from the City, when his wife would be awaiting him with unfailing regularity, his slippers ready, his chair and lamp in their appointed places, silence must reign in the house. The children were rarely permitted and never encouraged to go out in the evenings. Mr. Cohen himself went out at night scarcely once in a year. His wildest dissipation consisting in taking his favourite daughter Alice on each anniversary of her birthday to see Irving at a matinee at the Lyceum. Mrs. Cohen as a matter of course stayed at home every night with her husband. Each year they took one holiday ; each year it was in August ; each year it lasted four weeks exactly ; each year it was spent at Eastbourne.

Saturday night in particular was dedicated to his service by his family and household, for on that night convention appointed that Mr. Cohen should have his weekly hot bath before dinner. The ritual connected with this operation made considerable demands upon wife, daughters and staff. Not only must the water be exactly of the prescribed temperature and the bathroom adequately warmed to prevent risk of chills, but precautions had to be taken against the subsequent menace of air. Draughts and their dangers were a favourite theme with Mr. Cohen. By the time he was ready to descend for dinner, every window must be shut, every door securely fastened, every curtain so draped as to exclude any possible infiltration of air, and in this atmosphere of the tropical plant house at Kew the rest of the evening was spent. No one ever ventured to suggest that if he took his bath

immediately before retiring to bed much of this weekly upheaval would be avoided. Habit decreed otherwise, and in matters of habit the Medes and Persians had no more loyal disciple than Mr. Cohen.

The two households, the Isaacs and the Cohens, form an interesting comparison ; the one ruled by a matriarch, the other by a patriarch ; the one seething with life, the other rigid with routine ; Rufus his mother's favourite in the one ; Alice her father's in the other ; the one completely Anglicized, the other still firmly rooted in the German past.

But aloof and austere as Mr. Cohen was in many ways, he was devoted in particular to his third daughter, Alice, who returned his devotion. She was a young woman of rather more than middle height and at that age distinctly plump, with hazel eyes and a mass of fair hair in naturally close waves. She had attended a day school in the neighbourhood where she had learned quickly and eagerly without exhibiting any exceptional talent, though she painted creditably in oils, danced well, and possessed an abounding vitality unquenched by the slightly petrifying atmosphere of her home.

When she and Rufus first met she was about nineteen and he twenty-four. They were rapidly attracted to each other and it was not long before it was obvious that they were deeply in love. But their path was far from smooth. Mr. Cohen was, not unnaturally, bitterly opposed to the marriage. This was scarcely the husband he had intended for his favourite daughter, a young man with not only no money but a handsome crop of debts, with no profession, still a student at an age when Mr. Cohen himself had been for ten years working his way up, a young man whose failures showed him to be neither serious nor responsible and whose successes had been won in fields which Mr. Cohen disliked and deplored. He was therefore scandalized to find that the Bad Young Man of Belsize was actually paying attentions to his daughter. Good looks might vanquish the inexperienced Alice, but bad reputation would receive no quarter from her sagacious father. The edict went forth ; she was not to see or to hold any communication with this presumptuous suitor. But neither of the young people had any doubt as to their feelings or any intention of submitting for good to the parental ban. Seeing each other presented many difficulties, but communication was established by means of Alice's younger sister, Rosie, who entered with zest into the conspiracy and gleefully but tactfully bore letters to and fro between the parted lovers. But time went on and Mr. Cohen showed no signs of relenting ; indeed, his opposition was stiffened

by his chance discovery of the young people's disobedience to his orders as evidenced by the exchange of letters. His wrath fell not only upon them but on the unfortunate go-between, and for six whole months he never spoke to his youngest daughter in punishment for her connivance in the plot.

Matters were becoming serious when Alice, consciously or unconsciously inspired by Mrs. Isaacs' successful example, fell ill and took to her bed. The family doctor could not, or dared not, diagnose her complaint, but, since there was no improvement, it was decided to call the famous physician Sir William (hill into consultation. Sir William, who had no cause to fear Mr. Cohen's wrath, was curt and explicit.

"Give her the young man," he said, "and I promise you she will soon recover. Otherwise she will die."

This ultimatum from so impressive a source was too much even for Mr. Colien's resistance. There was little point in saving his daughter from the clutches of this dreadful young man if she was not going to live to profit by her escape. He therefore capitulated gracefully, to the joy of his wife who had never shared his misgivings but never dared to express her dissent.

During all this period of anxiety and stress Rufus had not allowed himself to be distracted from his studies. By the autumn of 1887 he had eaten the specified number of dinners and passed all the necessary examinations. During the Final Examination he met at the end of a morning session a friend who, having just been subjected to the viva-voce examination, told him the question which he had been asked and the answer which he had given.

Now Rufus had doubts as to the correctness of the answer and, casting thoughts of luncheon to the winds, hurried off to the library and diligently looked up the point.

When his own turn came to face the viva-voce examination, lo and behold here was the very same question ! and with a silent chuckle of self-congratulation Rufus proceeded to repeat out of his retentive memory all that he had crammed into it during the luncheon interval. But no answering gleam of pleasure was discernible in the examiner's eyes. "Young man," lie asked sternly, "don't you read your Law Reports?" "Certainly I do, sir," replied the indignant Rufus. "Then why," said the examiner, "have you not discovered that the judgment which you have just so extensively quoted has since been overruled by the Court of Appeal"

But in spite of this deflating episode and his own gloomy forebodings as the result of it he suffered no setback ; he was qualified for admission to the Bar. He had been proposed for call

by Sir Thomas Chambers, Q.C., the Recorder of the City of London, his good offices in the matter having been invoked by Rufus's uncle, Henry Isaacs, whose own civic career had by that time reached membership of the Court of Aldermen.

On November 17, 1887, he put on for the first time the wig and gown which were later to achieve sufficient fame to be accepted after his death by the London Museum, and thus adorned, though with the unfamiliar and always slightly incongruous adjunct of a moustache, he was called with traditional ceremony to the Bar by the Deputy Treasurer of the Middle Temple, Mr. (afterward Sir Peter) Edlin, acting on behalf of His Royal Highness the Prince of Wales (later King Edward VII), whose year of office as Treasurer was just coming to an end. He had already entered as a pupil the chambers of a rising common law junior, Mr. J. Lawson Walton, at 2 Crown Office Row. Three weeks after his call, a new and unknown man in an ancient and crowded profession, he added to the adventure of the law the adventure of marriage.

On December 8, 1887, he and Alice Cohen were married at the West London Synagogue, Upper Berkeley Street, to the congregation of which her family belonged, and embarked upon a life which was to endure with many unpredictable changes but with unfaltering sympathy, concord and devotion for forty-two years.

On a total income of £200 a year they set up house at No. 10 Broadhurst Gardens, Hampstead, close to Finchley Road Station. He had picked up his moorings at last.

CHAPTER II

RUFUS ISAACS

THE long preliminaries were at an end. His brief experience in Mr. Sydney's office had satisfied him that he had a taste and a talent for the law, if not in its theoretical at least in its practical form. The efforts of Mr. Hinde, a well-known coach of the day, had enabled him to acquire sufficient mastery of the groundwork to pass the various examinations without distinction but without reverse. The prescribed number of dinners had been eaten in the splendid Middle Temple Hall, its walls emblazoned with countless evidences of the majesty and continuity of his new profession. He was on the threshold of a fresh and incalculable adventure. Perhaps his mind, greatly daring,

ventured a leap into the future when, if hit, brave hopes were realized, his arms might also one day adorn a panel commemorating his year of office as Master Reader, with all that the dignity implied of solid practice and acknowledged reputation. He can certainly not have anticipated even in the most fanciful effort of imagination that, when that day came, his own shield would be surmounted by an Earl's coronet and would later face across the corridor in the Benchers' august private sanctuary the portrait, in the lovely sky-blue robes of Grand Master of the Most Exalted Order of the Star of India, of the Most Honourable the Marquess of Reading, P.C, G.C.B., G.C.S.I., G.C.I.E., G.C.V.O., Treasurer of the Inn in the year 1928, nor that in the Hall itself the stained glass of a section of the window-space reserved for commemorating those members of the Inn who achieved the highest judicial offices would reflect the black and gold of his own arms as Lord Chief Justice of England.

At the moment he had neither arms nor practice nor prospects. Moreover, intercourse with his fellow-students in the Middle Temple Common Room showed him that henceforward he was to be pitted, if Fate was kind, against men of very different intellects and interests from those with whom he had hitherto associated. Marshall Hall, Ellis Hume-Williams, Forbes Lankester, were formidable promise of the character and calibre of the competition lying ahead.

But instinct told him that after many vicissitudes he had at last found his niche.

The year which he had already passed in Lawson Walton's Chambers had confirmed him in this view, for he had developed with increasing sureness the faculty of discerning the core of a case and discarding the unessentials, until the pupil's work had become of real value to his master.

The two were utterly dissimilar in character and upbringing, for Lawson Walton was a strict Nonconformist with some of the limitations and all the virtues of his type : conscientious, diligent, high-minded ; a little narrow in his outlook upon, and in his contacts with, life, but having a fine mental equipment and a deep reverence for the dignity of the law. The novice could have had no better teacher ; and in after years, when as a successful junior he was many times led by Lawson Walton and as a famous King's Counsel found himself in frequent opposition to him, he never abated the respectful admiration instilled in him at the outset of his career for the lofty standards of conduct and capacity set by his old master. Moreover, in the same chambers was Henry Poland, for a generation the leading figure of the Criminal Bar,

who was sufficiently impressed with the young man's industry and intelligence to put his papers at his disposal and to promise to allow him to undertake occasional "devilling" for him as soon as he was called.

Rufus Isaacs had given a foretaste of his own powers of application by the way in which he had turned his back from one day to another on his former mode of life and had concentrated all his efforts upon preparation for the Bar ; and he had already realized, and throughout his life never lost an opportunity to proclaim, how greatly his resolution had been strengthened by the help and encouragement of his young wife. She had been brought up in a home dominated by a father who was a business man by necessity but a scholar and a recluse by choice, with a mother whose life centred about her husband's comfort, and three sisters of very dissimilar temperaments from her own. After some years of alternate submission and rebellion her brother, to whom she was devotedly attached, had finally sought his freedom in South Africa, only to die at an early age of typhoid in Johannesburg. But Alice's individuality had somehow survived the cramping atmosphere unimpaired and, once she was installed in a home of her own, flourished with increased vigour. Even before her marriage she had displayed those qualities of swift decision and unwavering determination which were to be so invaluable an asset to her husband for the rest of her life.

If at the outset of his professional career he had any doubts as to the future, she brushed them aside. She had demonstrated her confidence in him by persisting in her resolve to marry him even in the face of the strenuous opposition of her adored father. She was determined that her faith should be justified.

But all was not yet plain sailing. The Bar in those days was to a greater degree than now the resort, if not of the leisured classes, at least of such as could afford the compulsory idleness of several years while waiting to acquire a practice. They were mostly young men recently down from the universities, with few immediate responsibilities, living either at home or as bachelors in rooms and with sufficient income to bide their time.

He was already twenty-seven and a married man with a home to maintain and a heavy burden of debts to discharge, and the only hope of keeping the home and paying the debts lay in his own earning capacity. He had had no previous connection with the law, knew no solicitor except Mr. Sydney, and was entering a profession into which at that date, save for one or two outstanding examples such as Sir George Jessel, the Master of the Rolls, and Arthur Cohen, Q.C., whose personal character and

professional attainments had justly earned him a peculiar eminence at the Bar, few Jews had penetrated. Nevertheless, at the very outset of his career, even before his call or marriage, he had taken a step which is at least some evidence of the optimism which inspired him and his future wife.

The great majority of men are content, at least during their early years in the Temple, to take a room, or more commonly only a share of a room with one or two others, in the chambers of some senior man. In this way they are not only saved expense but they have the immense advantage of experienced clerks, of the use of the Law Reports and legal textbooks belonging to other members of the chambers, of reading and discussing the other men's briefs, of obtaining advice and help on any points that may arise in such cases as they themselves may get, and of making occasional appearances in county or police courts as substitute for one of the others who may be temporarily detained elsewhere.

This is the accepted procedure, the benefits of which are manifest. But Rufus Isaacs would have none of it. He had taken a course which he could ill afford, which cut him off from the valuable association with older, busier and more experienced men, and could only be justified by rapid and sustained progress. In September of 1887, two months before he was even a full-fledged barrister, he had taken the lease of an entire set of chambers in 1 Garden Court and there established himself in solitary state save for the presence of a single clerk. The authorities of the Middle Temple must have been in an unusually sanguine or prophetic mood, for the payment of their new tenant's rent would have to depend entirely upon his problematical earnings in a highly uncertain profession of which he was not at the moment even a member. Their confidence and his extravagance were, however, to be justified, for he remained there till his removal to 2 Garden Court in 1906, by which time he was at the very pinnacle of his fame at the Bar.

During the few months between his acquisition of these chambers and his call and marriage, when he was working intensively for his Final Examination and simultaneously learning from Lawson Walton the secrets of his new craft, he would often spend the night there on an improvised bed in a small room in order not to waste the time involved in the journey by Underground to and from Hampstead.

In his later years there were many claimants to the honour of having given him his first brief, though there was no perceptible struggle to be the first up the stairs on November 18, 1887, the morning after his call.

But on the 21st there was actually ushered in the first client of the long and varied procession that in the course of the next nineteen years was to pass up and down the staircase. It was a portentous moment, and Rufus Isaacs' joy and pride were in no way diminished by the fact that it was not wholly unexpected.

The visitor was the managing clerk of Lowless & Company, then a prominent firm of commercial solicitors in the City, and the brief bore on the outside, after the fashion of briefs, the name of the case, "Young *v.* Isaacs," and the amount of the fee, two guineas. But this was only the harbinger of far more substantial things to come, for on December 8 th the same Good Fairy reappeared, this time depositing a more impressive and remunerative bundle of papers in the same case, instructions to examine certain witnesses on commission in Spain.

As it happened, Mr. Rufus Isaacs was himself not in chambers that day, since he was occupied in getting married, largely on the strength of this very litigation, the defendants in which were his father's firm and the advance news of which had suggested to him the desirability of combining business with pleasure by taking the evidence and his honeymoon at one and the same time. Seventy-five sumptuous guineas were marked upon the outside of this brief, and with the knowledge of this sudden wealth he and his wife set off radiantly for Valencia, where the witnesses for examination were to be found.

There they spent a blissful fortnight. During such part of the day as he, with his twofold responsibilities of husband and breadwinner, was devoting himself to his task, his wife was taken round and shown the sights by Harry Isaacs, her new brother-in-law, who had been living for some years in Valencia as the representative of the family business in that centre of orange-growing, and Albert Van Gruisen, the local representative of a firm of North of England fruit importers, who was later to marry Harry's and Rufus's third sister, Florrie.

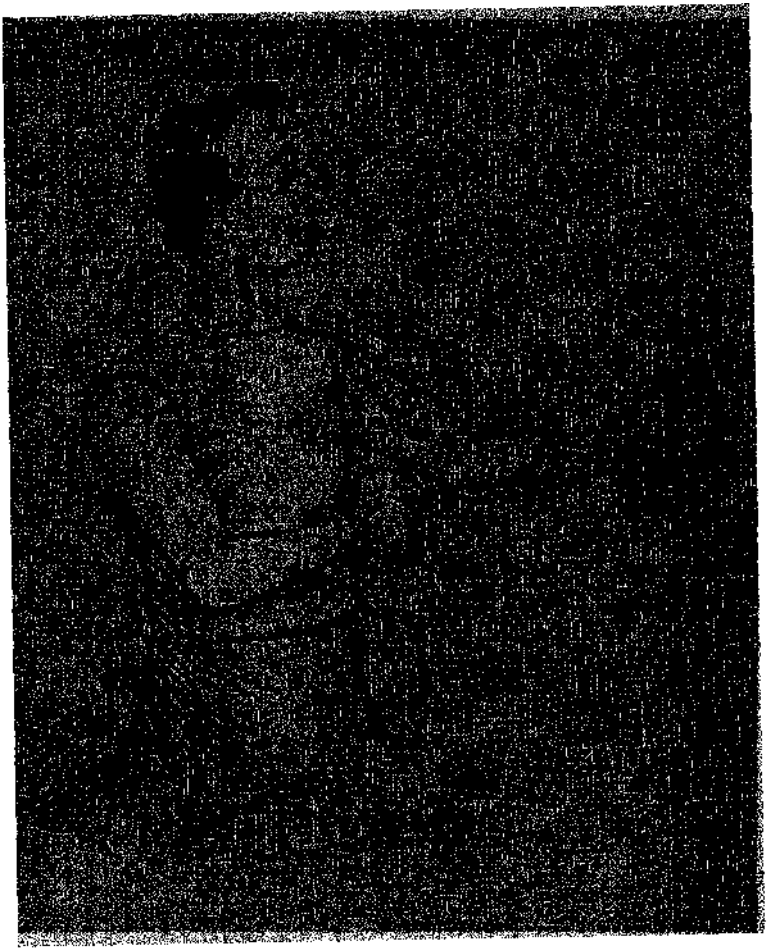
Rufus's adversary was a man who, after a slower start than his penetrating intellect and remarkable powers of expression deserved, was just beginning to make headway in commercial cases, J. A. Hamilton, afterward Viscount Sumner, whose lucid, mordant and erudite judgments will long survive to illumine and enliven the law. But at that time the lasting impression which he made upon the opposing faction was due less to his great qualities of mind than to his prodigious capacity for the consumption of food. Under Harry's expert guidance Rufus and Alice Isaacs dutifully but suspiciously sampled a selection of unfamiliar Spanish dishes. Hamilton did not pause either to suspect or to select but ate steadily

through the menu without damage either to his brain or his digestion. It was a monumental performance to which Rufus Isaacs always looked back with envious awe.

Their honeymoon over, Rufus and Alice Isaacs returned to their new home in Broadhurst Gardens. It was a very small house but they took very great pride in it. It stood till 1936, when it was pulled down to make room for yet another block of flats, though its last years were spent not as a private residence but as a part of the living-in quarters of the staff of John Barnes & Co., Ltd., the big department store now occupying in the Finchley Road a whole block of frontage behind which a section of Broadhurst Gardens lies. It possessed a very narrow strip of front garden in which nothing more rural than a few crestfallen laurels ever grew. It had a dining-room in which the table was almost overshadowed by a suite of capacious arm-chairs and sofa singularly unsuitable in character and wholly disproportionate in scale. It had also the necessary bedrooms, including a nursery for future reference, if required. But its great feature was the so-called library, which contained few books but was furnished in the blackest and most ornate "old oak." A large, heavily carved overmantel dominated and depressed the whole room, reinforced by a selection of chairs of a pseudo-Elizabethan design and a discomfort which would have been notable in any epoch, as well as a piano the ebony casing of which did little to dispel the prevailing gloom. The occupiers were, however, far from being affected by the sombreness of their sitting-room. Money was very tight ; Mrs. Cohen and her youngest daughter would often run round furtively from Adamson Road with oddments of food to supplement the meals ; the Stock Exchange debts were still undiminished. But they were married in spite of all opposition and briefs were beginning to trickle in.

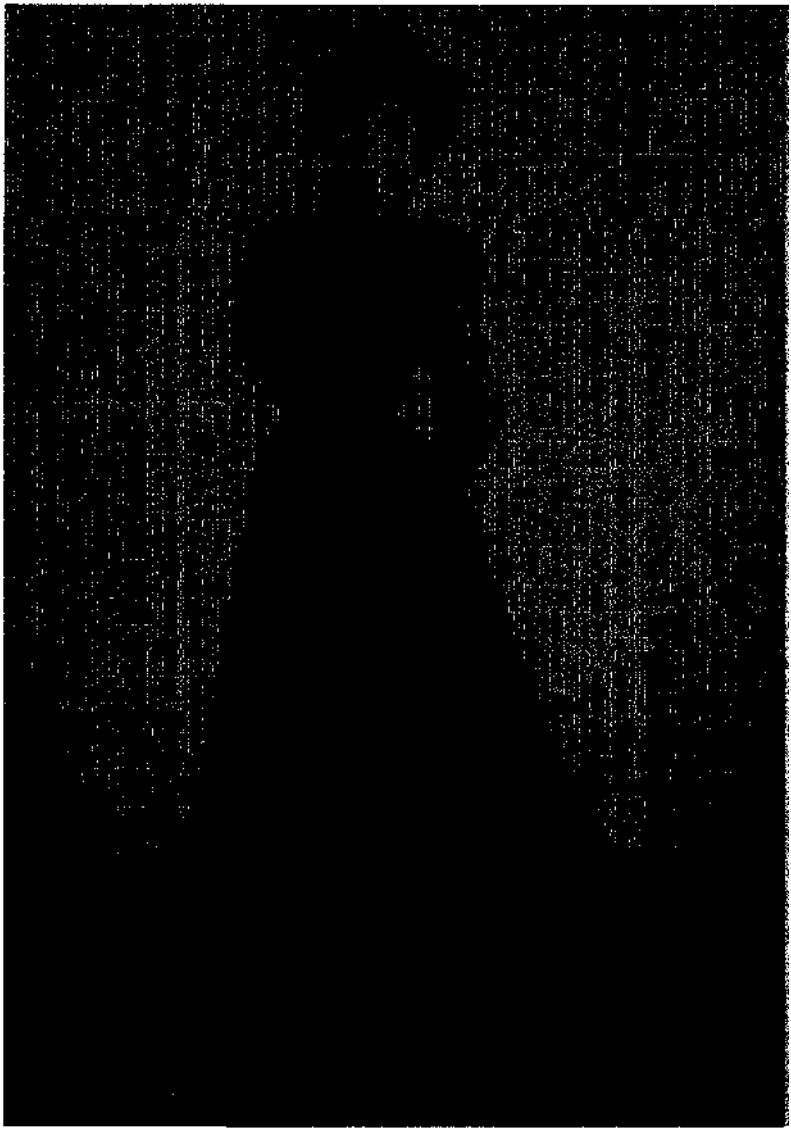
During his first year at the Bar he made £519 and during his second £750, though of this latter amount £230 came from his first *cause celebre.* But the rest was made up of a number of small sums representing an encouraging and increasing volume of work and supplying many opportunities for the acquisition of experience in the courts.

Mr. Poland had given him one valuable piece of advice which he resolutely observed and for which he expressed his sincere thanks when his old mentor congratulated him thirty-four years later on his appointment as Viceroy : "Never arrive at your chambers after ten and never leave them before six." To the observance of this maxim, together with another of his own devising to the effect that the important moment at which to be



A CARTOON BY SIR F. CARRUTHERS GOULD

"He was once on the Stock Exchange, where he used to bang Perus and box with Jack Angle."—*Westminster Gazette*, June 29th, 1907.



MRS. RUFUS ISAACS AT AIX-LES-BAINS, 1897

present was when other people were absent, he attributed much of his own early success at the Bar.

His first big case he owed no doubt in part to the substantial volume of business done by Mr. Sydney for his family but also in part to the good impression which he himself had made during his time in Mr. Sydney's office ; and it was particularly welcome since it came in a year when his expenses, which he had already had enough difficulty in meeting, had been increased by my birth on January 10, 1889. It had been a time of great anxiety for him, since not only had his wife been gravely ill but I had added to his worries by nearly leaving the world after only two months' experience of it, a fate from which I was saved, after the doctors had pronounced my condition to be hopeless, by large quantities of brandy administered on his own responsibility by my father against all medical advice. From that moment I commenced to progress but unfortunately my mother made no such sudden recovery, and doctors' bills in addition to all his other troubles made Mr. Sydney's brief doubly acceptable when it arrived in June of that year.

It is not given to every young man at the Bar to find himself within two years of his call engaged in the case of the moment, attending consultations with one of the great men of the time, sitting importantly behind him in a crowded court for days on end, and seeing his own name coupled with so distinguished a company in the Press. Even at this early stage his name must have been of service to him, for no eye reading the reports of the case in the papers could fail to be caught, if only for an instant, by the arresting combination of "Mr. Rufus Isaacs."

Chetwynd *v.* Durham contained all the elements of a sensational trial. The plaintiff was a baronet and the defendant an earl, both well known alike in society and on the turf. The proceedings involved inquiry into charges of serious malpractices in connection with racing ; the statements upon which the action was founded had been deliberately made to challenge investigation and to cleanse a sport in which all classes were deeply interested.

There had been for some time a suspicion among racing men that all was not well, and at the annual Gimcrack Club Dinner at York on December 13, 1887, Lord Durham seized the opportunity of addressing a gathering of people of influence in racing circles to make some remarks which, though expressed in general terms, were taken by most of those who heard or subsequently read them to have very particular reference to an owner, a trainer and a jockey to each of whom such as followed racing at all closely had no difficulty in putting a name.

No owner of horses [he told his audience] ought to put up any jockey suspected of or known to be guilty of pulling horses. Unfortunately I know many very honest and straightforward owners of horses who employ the services of a notorious jockey because he rides well and because they adopt the selfish principle that it is better to have him on their side than against them. I go further than this. Some owners employ him because they think he can "square" some other jockeys in the race, and thus ensure the victory for his mount—if he has backed it. I consider such a policy on the part of owners to be a direct encouragement to malpractices on the part of jockeys. . . . If we blame owners for putting up certain jockeys of ill-repute to win them races, what are we to say of owners who employ them to win them money? . . . There is a well-known and what the sporting press calls a fashionable and aristocratic racing stable that has been conspicuous throughout the racing season for the constant and inexplicable in-and-out running of its horses. Their running has surprised and disgusted the public, and besides losing them their money it has driven the handicapper to his wit's end to discover the true form of the horses he has to apportion weights to and it has scandalized all true lovers of the sport of horse racing. But the darkest part of the matter is that the owners or nominal owners of the horses to which I am alluding win large stakes when their horses are successful, but do not lose much when they are beaten. . . . The higher a man's position on the turf, the more needful is it that he should be above reproach. If we find that such a man or such men continue with impunity to break the rules of racing law and the code of honour among gentlemen, let us treat them as they deserve to be treated—as unlit to mix with us and associate with us in the sport we love. Otherwise we give too good grounds to the opponents of racing, who assert that we fail to maintain the standard below which any sport must stand condemned as pernicious and destructive to the morals of the nation.

These were strong words, not least because they were spoken of set purpose on a carefully selected occasion and not in a passing moment of heat. To the initiate the direction in which the finger pointed was plain. The owner was Sir George Chetwynd, a Warwickshire baronet of sporting tastes who with comparatively slender means had contrived for some years to own a number of race horses, was a regular attendant at meetings, and had even been for one period a steward of the Jockey Club. The trainer was Sherrard, who, after being head man in a famous stable, had set up a training establishment of his own, where Sir George Chetwynd's horses were kept. The jockey was Charles Wood, who had a high reputation for skill as a rider but for nothing else.

In face of such strictures from such a source Sir George Chetwynd could not remain either indifferent or inactive, especially after he had dispatched his brother to inquire from Lord

Durham whether he had in fact been the owner referred to, and Lord Durham had not only assented but had further clarified the issue by writing in a letter : "I also accuse Sir George Chetwynd of having connived at serious malpractices which are contrary to the rules of racing." Moreover, even if Sir George had been content to keep silent, the stewards of the Jockey Club, whose attention had been thus publicly called to allegations of flagrant abuse, could scarcely have let the matter rest.

Nevertheless, a considerable delay ensued with much manoeuvring for position, the main point of discussion being whether the dispute should be referred to the High Court or to a committee of the stewards. In the end it was agreed at a meeting of the Jockey Club held at the Duke of Richmond's house on June 1, 1888, that the proceedings should take the form of an arbitration before a committee of the stewards, the general opinion being that the issues involved were of too technical a character to be followed or decided by a judge and jury.

Even then progress was leisurely. The pleadings were voluminous ; many witnesses had to be interviewed and their statements taken down ; Sir Charles Russell, Q.C., Lord Durham's leading counsel, and Sir George Lewis, his solicitor, were both deeply engaged in the Parnell Commission then proceeding. It was accordingly not until June 10, 1889, that the committee, composed of the Rt. Hon. James Lowther, M.P., the Earl of March and Prince Soltykoff, were ready to begin the hearing in Queen's Bench Court 5, which had been placed at their disposal for the purpose.

It would not have been surprising if they had felt somewhat overawed as they took their places. Enormous interest had been aroused. The court itself was thronged with members of the Press and privileged persons to whom Messrs. Weatherby had issued tickets of admission, together with as many of the public as could squeeze themselves inside the doors, while hundreds more gathered outside to see the celebrities arrive and depart and tens of thousands studied attentively the daily newspaper reports. Even more intimidating to a lay tribunal, especially if it had had a prophetic eye, was the array of legal eminence. For Sir George Chetwynd there appeared Sir Henry James, Q.C., Mr. Pollard, Mr. A. T. Lawrence, and Mr. Rufus Isaacs ; for Lord Durham, Sir Charles Russell, Q.C., Mr. C. W. Matthews, and Mr. Magniac. Of these Sir Henry James was later as Lord James of Hereford to bring to the House of Lords the dignity of his handsome presence and the lucidity of his fertile mind ; while Mr. A. T. Lawrence, after long service as a puisne judge, was to succeed as Lord Trevethin to a brief tenure of the great office of **Lord**

Chief Justice of England on Mr. Rufus Isaacs', then Lord Reading's, appointment as Viceroy of India in 1921.

Sir Charles Russell, afterwards the first Lord Russell of Killowen and Lord Chief Justice of England, was then at the height of his powers and position at the Bar, a tremendous personality with massive head, burning dark eyes and resonant voice, who seemed by his mere presence to reduce his fellow-men to less than life size.

The impression he made upon Rufus Isaacs on this first occasion of proximity was never to be effaced and he remained always in his memory as the greatest figure ever seen in action in a court of law.

Of the other counsel only Mr. (afterwards Sir Charles) Matthews rose to distinction, filling after a successful career at the criminal bar the onerous office of Director of Public Prosecutions with conspicuous ability.

It cannot be said that any great opportunities for publicity fell to the lot of either Mr. Lawrence or Mr. Rufus Isaacs, for throughout the eleven days of the hearing neither opened his mouth ; while the heavyweights hammered at one another, their seconds had to be content with silently and reverently holding the sponge and towel.

But, though he took no audible part, the case was of immense value to Rufus Isaacs for many reasons other than the purely financial one, for here he was sitting in the thronged court not as a humble spectator but as an actual participant with an imposing pile of papers before him, with the incalculable advantage of knowing the story from the inside and thus being able to turn the experience to great profit by studying at close quarters the methods of the opposing champions and the points which they selected or rejected from the material before them. There was also always the chance that some solicitor or solicitor's managing clerk among the shifting audience might remark the good-looking and alert young man and make mental note of his readily remembered name.

The public were not disappointed in their quest for sensation. After Sir Henry James's opening address Sir George Chetwynd occupied the witness box for three days, facing for the greater part of the time a raking cross-examination by Sir Charles Russell, who made special play with some letters passing between Sir George Chetwynd and the jockey Wood, and containing phrases which were at best ambiguous and at worst damning.

After Sherrard had given his evidence in almost inaudible tones, there commenced to and from the box a motley procession

of witnesses for the defence, the variety of types presenting a faithful microcosm of the racing world.

First came Lord Marcus Beresford, the Official Starter to the Jockey Club, to be followed by the Dowager Duchess of Montrose, Joseph Cannon, the trainer, a stable boy, Lord Arthur Somerset, a stud groom, and Major Egerton, the Official Handicapper, who helped the Plaintiff's case to the extent of agreeing that on one occasion Sir George had warned him that Fullerton, the horse whose in-and-out form had incurred the severest criticism, was not well.

After hearing all this evidence and the two powerful final speeches the arbitrators proceeded to consider their award which, when finally published, at first sight seemed to indicate a drawn battle, for they decided, without stating reasons for their decision : (1) that Sir George Chetwynd had not employed Wood for the purpose of pulling horses or "squaring" jockeys ; (2) that he had been guilty of serious malpractices contrary to the rules of racing and was therefore unfit to be or remain a member of the Jockey Club or to associate with honourable men. They fixed the damages at ½d. and ordered each party to bear his own costs of the reference and to pay half the costs of their award.

But brief reflection made it plain that, although Lord Durham might have failed to prove his major allegation and might to that extent be guilty of having made grave charges against Sir George which he was unable to support, he had under the second heading substantiated against his adversary conduct of so reprehensible a kind as fully to justify the course which he had taken to bring the suspected evils to light.

The great case over, Rufus Isaacs returned to his own spasmodic and obscure practice with that sense of deflation which always follows after leaving the rarefied atmosphere of a *cause cilbbre* for the more pedestrian daily routine.

But it is not by fitful appearances, however gratifying alike to prestige and pocket, in heavy or sensational cases that a junior of two years' call establishes his reputation. The rough-and-tumble of county court and police court, where the novice has the whole conduct of the case in his own hands and must take his own decisions, make his own mistakes and score his own triumphs, is the real training for the Bar.

In these courts Rufus Isaacs was now beginning to be briefed with increasing frequency. He also joined a circuit, selecting the Northern in spite of its remoteness from London for no better reason than the presence in the neighbourhood of his sister Florrie, now married to Albert Van Gruisen and settled in Birkenhead.

But he never travelled the Circuit" as a junior, and his appearances in Liverpool or Manchester were confined to a few cases of outstanding importance in the latter years of his success.

At the same time a steady trickle of High Court work started to flow in. The part played by a junior in a High Court action is always important, though in those days of the more regular employment of leaders in such actions it had rarely the chance to be spectacular. For it is the junior who is responsible for drafting the "pleadings" on behalf of whichever party he may be instructed to represent, documents in which are set out according to recognized, if nowadays elastic, rules the contentions of fact upon which each of the opposing parties intends to rely. Only when these introductory steps, with all the attendant permutations and combinations of procedure incidental to them, have been concluded does the leader normally appear upon the scene to conduct the case in court within the limits already marked out by the preliminary labours of the junior.

It was instructions to draft such pleadings that now arrived with encouraging regularity at 1 Garden Court. But it is not true to say that the volume of work, once started, continued to swell without check or set-back. There were still times when he became despondent, imagining that his first successes were to lead nowhere. When he was in India and I was imding the task of building up a practice after the premature and protracted interruption of the last war depressingly slow, he would encourage me in his letters by assuring me that there were many occasions during his own years of struggle when he thought that his clients had deserted him for good and that he was never going to get another brief.

But if he himself still had his moments of despondency, others well able to judge entertained no doubt that he was now firmly established among the coming men of the day. Custom decrees that at the time of his call a barrister's wig and gown shall be supplied to him by the robe-makers in a blue damask bag. Those who make little mark in their profession are doomed to retain the blue bag to the end. Those who emerge into prominence can look forward to a moment at which a red bag will be substituted for the blue. But it may not be acquired by purchase ; it can only be bestowed as a gift by some leader who has had personal experience of the junior's ability and considers that his progress entitles him to receive the distinction.

To Rufus Isaacs the red bag came after an unusually short wait and from a deeply gratifying source. On May 7, 1891, Lawbon Walton wrote to his former pupil :

MY DEAR ISAACS,

I have taken great pleasure in obs :ess in our profession and the promise wl the future. As your old master in the art and mystery of the law I should like to show my recognition of the position which you have achieved and my interest in your future career by offering for your acceptance a red bag. *Sic Uur ad aUra.*

There was great rejoicing in Broadhurst Gardens and at Garden Court.

But from one point of view such spells of enforced leisure as still came his way were blessings in effective disguise, provided that they did not come too often or last too long. Never before had he had the wish and never afterward did lie have the time to read with any system or continuity. Now he seized the opportunity to read the English classics with the dual object of enriching his mind and enlarging his vocabulary. Such schooling as he had received and such callings as he had followed did not make for a wide command of language, and it was vital that, if he was to succeed at the Bar, he should be as fluent in speech, as accurate in expression and as apt in phrase as his competitors. At one moment in this period he even turned to a study of philosophy and, though the naturally un speculative bent of his mind, allied with the hampering gaps in his education, made it as a subject more an effort than a relaxation, he was nevertheless for a while greatly captivated by the teachings of Spinoza, copies of whose works he would present to slightly bewildered friends.

Nor was reading his only collateral preparation for his career. A small debating society known as the "Ravenswood" was founded, which held meetings at the house of each member in turn and afforded to the embryo orator a platform for the discussion of topics and the employment of rhetoric which at once broadened his intelligence and expanded his eloquence.

About this time, too, he made his first incursion into more public life. There existed for many years in Hampstead a local "Parliament," equipped with Speaker, Government, Opposition and rules of procedure, but agreeably devoid of constituents or responsibility.

To this assembly Rufus Isaacs was introduced in 1892 by S. H. Emanuel, a colleague at the Bar and later a well-known King's Counsel on the Western Circuit, as a promising recruit to the Liberal ranks. Until then he had taken little interest and no part in politics beyond professing a general liberalism as representing freedom and progress, such as was common among most Jews of the time, and it may well be that this chance introduction

into the Liberal camp of the Hampstead "Parliament" was decisive in clarifying and crystallizing his political views into the creed which he ever afterwards upheld.

Sunday nights were dedicated to playing mild poker at his parents' house ; otherwise social engagements were few and local except during the year from November, 1889, during which his uncle, Sir Henry Isaacs, was Lord Mayor of London and invited them on occasions to entertainments at the Mansion House.

Among Sir Henry's friends was Mr. Barnum of the celebrated showmen's partnership of Barnum & Bailey, who pressed to be allowed to provide the Lord Mayor's Show. It is a pity that Sir Henry was of too unimaginative a temperament to accept the offer of what would no doubt have been a unique display ! Normally Rufus and Alice Isaacs could not afford the money for expeditions to the West End in the first years of their married life, and by 1891 Alice Isaacs was obliged to undergo the first of the many operations by which the rest of her life was only too regularly marked. Her hearing was also giving cause for anxiety. An attack of measles at the age of seventeen had bequeathed her the legacy of a slight deafness which began to take a more serious turn as her hitherto robust general health declined. Fortunately its progress was arrested, but the lost ground could never be recovered and it was a handicap against which she strove with infinite courage for the rest of her life.

In one interval of inactivity in the Temple there came a tempting offer to return to the Stock Exchange. He himself was sorely troubled to know how to decide for the best, wondering whether it was not his duty to his already ailing wife to seize this opportunity to step at once into an established business and a relatively substantial income. And even if it was not to his wife that he owed the duty, what of the still unpaid creditors of his Stock Exchange failure ?

But she would not listen to argument on the subject. That was not the life which she contemplated either for him or for herself. She believed steadfastly in his future at the Bar ; she was prepared to wait for any of the luxuries of life until success brought them to her, and as for the creditors she was confident that they would not have to be patient for long. In the end her determination prevailed and her faith was speedily justified.

Even the fitful bouts of leisure for outside pursuits were not destined to endure. By 1894 a capacious brief bag began to make a nightly appearance at Broadhurst Gardens and Saturday afternoons—the courts then sat on Saturday mornings—and Sundays provided little rest. The days of long country walks had followed

Ned Donnelly's saloon into the past, and in place of the hard exercise of his early years he had to be content with a decorous Sunday morning stroll up and down Fitzjohn's Avenue, where the *monde* of Hampstead was wont to parade.

The Saturday visits of his childhood to the synagogue were never resumed and with the growing fullness and happiness of his life, despite all his anxieties, the consciousness of spiritual ostracism which had oppressed him in his earlier manhood never returned to harry him.

That he had either forgotten his own earlier difficulties of inability to believe or had dismissed them as insoluble is perhaps best illustrated by his omission, presumably deliberate, to have me given as a child religious teaching of any kind save such as I acquired casually and, as it were, unofficially from my Church of England nurse.

This same nurse, Emma Squires the Second, as distinct from his own ephemeral Emma Squires the First, to whom reference has already been made, was by this time becoming an integral part of the household.

In the early years when it had been necessary for Rufus Isaacs to bring work home, he had sat down determinedly to tackle it after dinner. But he soon found that his brain was jaded after the long day's toil and that it required excessive flogging to force it into concentration. Moreover, if the few waking hours that he spent at home were to be absorbed by work, it meant no companionship with his wife. He therefore determined to try an experiment of abandoning all work in the evening and starting early in the morning instead. It was an immediate and permanent success. He discovered that he was by nature one of that select minority whose brains work before breakfast.

After his first four or five years at the Bar this early rising became his settled habit and proved an increasing asset to him as time went on and the House of Commons, public functions and private social engagements combined to fill his evenings.

But he was a sound sleeper and there was the difficulty of being awakened with certainty at the required hour. An alarm clock might have solved the problem, but it would have had the effect of also arousing his wife, who was a light and uneasy sleeper. Moreover, there would still have remained the question of how to procure a hot drink to sustain him through the cheerless and chilly hours. In those pre-thermos days a kettle and spirit lamp might have sufficed for most men, but to him they were useless. They would inevitably have conspired together to upset, catch

fire, boil over, or blow up, for he was always a prey to the "malice of inanimate things." No knot would untie, no latch lift, no "gadget" work under his hands. Thin and fine and sensitive as they were to a degree remarkable in view of his early life, they were singularly lacking in suppleness and dexterity and would fumble helplessly over a task which coarser and heavier hands performed without pause or effort.

But providentially a solution of the calling problem presented itself at an early stage and continued for the next quarter of a century to present itself daily at any hour, however inhuman, with unfailing punctuality and cheerfulness. Emma Squires, a short, sandy-haired, chubby little Devonshire woman from South Brent, with a face like a cider apple and a heart of pure gold, had arrived in answer to an advertisement some six months after my birth in 1889 5 she was to remain with us, first as my nurse and later as my mother's maid, for the next thirty-seven years. Her official designation mattered little : whatever her functions in the household were supposed to be, she was in practice factotum and general confidante.

She it was who in addition to her other duties, defined and undefined, voluntarily undertook the task of calling my father, and I do not remember to have heard that she ever once failed to appear or was even a few minutes behind time.

He secretly would have preferred a cup of tea on waking, but she had her own ideas as to what was good for him and argument or protest was of no avail. An egg beaten up in hot milk was her decree, and to this slightly nauseating drink he was forced to submit. If she thought him more than usually tired, she would furtively lace the concoction with brandy, but there was a tacit and inviolable understanding between them by which she did not disclose the fact and he did not comment upon it. Each thus preserved the other's self-respect.

But when she had aroused him at four, or four-thirty, or five o'clock—and five was considered almost slothful in the busy years —her self-ordained duties were by no means at an end. She would not return to bed to sleep undisturbed until a normal time, but each hour till he went at eight o'clock to bathe and dress she would reappear with a cup of tea to sustain him.

She ruled the entire household with despotic benevolence and, rarely surprised and never disconcerted, followed my parents from Broadhurst Gardens to Delhi, taking Washington in her stride on the way.

The institution of the "afternoon off" did not enter into her scheme of things. She had relations in Devonshire, but at a very

early date she adopted us as her family and seldom took a holiday to visit her own kith and kin.

She preferred to accompany us round the Continent during the Long Vacations, acting as valet, maid and nurse in one, a squat fortress of impregnable insularity regarding with pity and disdain the strange, depraved habits of French, Germans, or Italians.

With no more education than had been provided by the village school she was none the less an avid reader of newspapers, and since she was both shrewd and loquacious, her comments upon current affairs never lacked pungency or originality. But neither time nor experience could convince her that "a piece in the paper" could be anything but true, unless it chanced to be even the mildest criticism of my father. Then she would break into wrathful denunciation of the Press and all its works.

In all my mother's long and grave illnesses she nursed her selflessly and skilfully ; on the rarer and briefer occasions when my father or I had to take to bed, she looked after us as well. She would work herself to a standstill in a sick room rather than admit a trained nurse, whose occasional enforced presence in the house she always viewed with jealous disgust.

Such single-minded devotion can only be marvelled at ; it can never be repaid. But it is a satisfaction to know that at least she enjoyed to the full the unpredictable changes and chances of her life and that she shared not only the anxieties and sorrows but also the joys and triumphs of her adopted family.

By 1895 Rufus Isaacs' practice had attained very substantial proportions, though doctors' bills and Stock Exchange debts still ate grievously into his earnings. The other rooms in his chambers were now filled and he was glad of the help of the less busy men in coping with his own work.

It was a memorable year, for two signal strokes of luck befell him in its course.

The complaints of the business community as to the complexities and delays of the law applicable to the decision of commercial cases had reached a point at which remedial action had become urgently necessary if the courts were not both to fail in their duty to, and to lose the custom of, a most valuable section of the public. Accordingly, the then Lord Chief Justice, Lord Russell of Killowen, after consultation with his brother judges decided to institute a special Commercial Court with a simplified procedure designed to save time and expense and to enable at least an approximate date to be fixed for the hearing. To preside over this new court he wisely selected Mr. (afterward Lord)

Justice Mathew, a judge with the highest qualifications for the task, who was regarded with as much confidence and admiration by the City as by the Bar.

Here was the first of Rufus Isaacs' pieces of good fortune. In this field he was able to compete with his fellows on more than equal terms, for he could match practical experience against theoretic knowledge both of commerce and of the Stock Exchange. Charter parties, bills of lading, margins, options, bills of exchange, he had handled as the daily currency of life and not as the laborious counterfeit of lecture rooms, for M. Isaacs & Sons and Phipps & Isaacs had provided him with a better course in these matters than Oxford or Cambridge could offer.

Fortunately he had by then made sufficient progress for his present ability and previous qualifications to be familiar to a number of solicitors, and from its inception the Commercial Court counted him as one of its foremost juniors.

The potentialities of the other piece of good fortune were less readily discerned at first sight.

One afternoon a solicitor hitherto unknown to him arrived in his chambers with a thin bundle of papers marked with the uninspiring fee of one guinea and inquired of the clerk whether Mr. Rufus Isaacs would be willing to write him an opinion. Mr. Rufus Isaacs was agreeable and from these modest beginnings found himself engaged in what proved to be from the legal point of view the most famous case of his whole career. He himself always quoted this as the most notable example in his experience of the incalculable element in work at the Bar. He might quite well have written his opinion, received his guinea and heard no more of the matter. Actually the case was to proceed from the Queen's Bench Division to the Court of Appeal, to be accorded the rare distinction of two hearings in the House of Lords, to arouse intense interest, especially among employers and workmen, and to go down in legal history under the name of Allen *v.* Flood. So far as he personally was concerned, it was to provide him with his first opportunity to appear before and to address the House of Lords, to give his name wide publicity, and to mark him out for selection in later years as leader in the more important trade union cases of the day.

The case of Allen *v.* Flood arose out of an obscure labour dispute on the premises of the Glengall Iron Company at the Regent Dock, Millwall.

In April of 1894 the company had engaged two shipwrights named Flood and Taylor to work on repairs to a ship on which some forty men were already employed. These men at once took

exception to shipwrights working on ironwork, holding that this was the exclusive privilege of members of the Boilermakers' Union, to which all of them belonged, and that shipwrights' work was limited to wooden ships. Their resentment was increased by the discovery that Flood and Taylor had already been guilty of a similar enormity in another yard, and they began to talk of leaving the job unless the offenders were promptly dismissed. Matters soon reached a point at which the ringleader telegraphed to the London delegate of the Boilermakers' Union, one Allen, asking him to come and deal with the situation, and on the next day he arrived. His first not very successful efforts were directed to quieting the men ; but later he interviewed the company's manager and as a result of their conversation Flood and Taylor were at once discharged.

Thereupon the two shipwrights, no doubt at the instigation and with the financial support of their own union, brought an action against Allen for maliciously and wrongfully and with intent to injure them (1) procuring and inducing the company to break its contracts with them, (2) intimidating and coercing them to break their contracts with the company, and (3) conspiring with others to do these acts ; and they joined as co-defendants with Allen both Jackson, the Chairman, and Knight, the General Secretary, of the Boilermakers' Union on the ground that by virtue of their offices they were responsible for the consequences of Allen's acts as their agent.

The case, under the name of Flood *v.* Jackson, came before Mr. Justice Kennedy and a common jury in February, 1895, Lawson Walton, K.C., and Rufus Isaacs being for the plaintiffs and Robson, K.C., and Morten for the defendants.

After hearing the witnesses the judge ruled that there was no evidence on which the jury would be entitled to find any one of the defendants guilty of conspiracy or intimidation or coercion or that there had been any breach of contract.

That ruling, however, did not dispose of all the issues, and the jury ultimately found that Allen had maliciously induced the company to discharge Flood and Taylor and not to re-engage them, awarding each of them £20 damages.

But as regards Jackson and Knight they found that neither of them had ever been consulted by Allen concerning the dispute and that they knew nothing about it. Their verdict was consequently in favour of the two officers of the union and against Allen alone.

Neither party was satisfied with the result of this first encounter, Allen seeking to reverse the decision against him and

the plaintiffs protesting against the release of the union officials from the suit, but the Court of Appeal in April, 1895, preserved the *status quo* and dismissed both appeal and cross-appeal.

Rufus Isaacs had borne the brunt of the argument on the cross-appeal, the only aspect of the case upon which the Court desired to hear the plaintiffs' counsel, since Lawson Walton was for much of the time detained elsewhere. But his appearances in the Court of Appeal had already been frequent and it no longer held any terrors for him.

He was now, however, to invade exalted and hitherto unexplored ground. In spite of his considerable practice he had never yet found himself before the awe-inspiring tribunal of the House of Lords, but this experience was now to be accorded him by the pertinacity of Mr. Allen, his advisers and backers.

There was a lull while the opposing forces were marshalled for the decisive battle, and it was not until December of 1896 that the Lord Chancellor, Lord Halsbury, supported by Lords Watson, Herschell, MacNaghten, Morris, Shand and Davey, sat to hear the case. But this proved only a preliminary skirmish, for on the fourth day, after hearing Arthur Cohen, K.C., who had now come in to lead Robson, as well as Robson himself, their Lordships decided in the midst of Lawson Walton's argument that the point at issue was of such difficulty and importance that they desired to take the opinion of the judges of the High Court upon it before forming their own views.

They accordingly adjourned the hearing until March 25, 1897, when the case was again fully argued before the same court, reinforced by Lord Ashbourne and Lord James of Hereford and in the presence of eight judges headed by that great legal "character," Mr. Justice Hawkins, afterward Lord Brampton.

It was not until late in the afternoon of the fourth day of the hearing that Lawson Walton resumed his seat and Rufus Isaacs rose in some trepidation to follow him.

Their Lordships did not present an encouraging appearance. They had been subjected to lengthy and intensive bombardment by authority and argumentation and they were weary and disinclined for any fresh attack. Rufus Isaacs' earlier remarks were received in a drowsy silence ; but, as he warmed to his task, first Lord Morris lifted an interested head and soon the rest of the court began to listen attentively. On the next morning his apology for further taking up their Lordships' time was met by the Lord Chancellor with the request that he should not in any way curtail his argument, and thus reassured he continued until the luncheon adjournment. After Robson had replied, the Lord

Chancellor announced that he proposed to submit to the judges the question whether, assuming the evidence given by the plaintiffs' witnesses to be correct, there was any evidence of a cause of action fit to be left to the jury, and Mr. Justice Hawkins intimated that he and his brother judges desired time to consider their answer.

The final result was therefore still in doubt, but Rufus Isaacs knew for certain that he had scored a personal success which required immediate celebration.

Toward the end of 1896 he had acquired his first pupil, a young man recently down from Balliol named Francis Oppenheimer, though he had insisted with characteristic modesty that his practice did not yet afford sufficient material for a pupil's instruction and had refused to accept the recognized fee of 100 guineas until the end of a period of three months' trial.

No sooner had their Lordships risen than Rufus Isaacs, accompanied by his pupil who had been in diligent attendance, rushed back to his chambers and, sending out for a bottle of champagne, the two of them drank delightedly to the health of Allen *v.* Flood.

But the great case itself was not yet at an end. On June 4 the judges read their opinions, six answering the Lord Chancellor's question affirmatively and in favour of Rufus Isaacs' clients and two expressing the contrary view. Finally, on December 15, the Olympians delivered themselves of their speeches, the majority of six differing from the views of the majority of the judges and the minority of them, which included the Lord Chancellor himself, accepting those views. In the result, therefore, it was laid down that on the facts of the case Flood and Taylor had no remedy against Allen and that in principle an act lawful in itself is not converted by a malicious or bad motive into an unlawful act so as to make the doer of the act liable in a civil action.

All over the country trade union officials heaved a mighty sigh of relief, while Rufus Isaacs himself had no reason to be displeased with the elaborate, protracted and remunerative process which had been required to prove his original guinea opinion wrong.

At the end of 1896 Rufus and Alice Isaacs left Broadhurst Gardens and after brief spells in furnished flats, first in Duke Street, Grosvenor Square, and then in Ashley Gardens, Victoria, took a large and comfortable flat at 24 Palace Court, Bayswater, in which they remained until 1903. Here he had at last a study of his own and she had an opportunity to exercise her gift for decorating and arranging furniture, in which she always took endless delight.

By the autumn of 1897 they were settled in their new home,

but the early omens were hardly propitious, for Rufus Isaacs fell ill, seized by a sudden bleeding from nose and eyes which threatened serious consequences. Medical opinion was emphatic in attributing the attack to continuous overwork and in prophesying even graver developments unless the strain could be relaxed. His wife and doctor were insistent, but he himself was inclined to make light of his illness and so to postpone taking the decision with which he was faced. For the sole possibility of alleviating the burden of work lay in the hazardous step of applying for "silk." The qualities displayed by a successful junior are by no means necessarily such as go to make a successful leader. His own annual income for the last two years had been over £7,000 and he could ill afford to see it disappear or even diminish ; he had a wife and child to support ; his Stock Exchange debts were not yet wholly discharged ; he had been unable to accumulate any reserve of capital ; he had just incurred the additional liability of moving to a more expensive home. Dare he take the risk involved of sacrificing his assured practice in exchange for nothing more remunerative than a silk gown ? On the other hand, if the doctors were right in their alarming prognostications, he could do no service to his dependants or creditors by slaving himself to death.

But the final decision rested neither with his wife nor his doctor nor even with himself. He could not be sure that, even if he summoned up courage to apply to the Lord Chancellor "to be accorded the honour of a silk gown," Lord Halsbury would feel justified in acceding. Thirty-seven was still young for a leader, especially in those days, and no one hitherto had ventured to apply after only ten years' call ; though the volume of his practice fully justified his application, he might well be thought too young both in years and in seniority at the Bar.

Eventually, after long private deliberation and at the earnest entreaty of his wife and doctor, he made up his mind to consult two men of high standing in whose judgment he had implicit confidence and of whose kindly interest he had had frequent evidence. Mr. Justice Bigham, afterward Viscount Mersey and President of the Probate, Divorce and Admiralty Division, at once dissipated all his doubts and fears and begged him not to delay, promising to speak to the Lord Chancellor on his behalf, while Mr. Justice Mathew strongly supported this view.

"Don't make the mistake I made," urged the latter, "of postponing your application until you are too old and have lost your energy. If you do, you will never apply."

So the great decision was made and the application submitted. Mr. Justice Bigham had been as good as his word and had begged

the Lord Chancellor "to save Rufus Isaacs' life" by including his name in **the** next list of silks, and Lord Halsbury himself had not **forgotten** the young man who had made so favourable an impression upon the House alike by his argument and by his presence and manner in Allen *v.* Flood.

In April of 1898, Mr. Rufus Isaacs, Q.C, was formally admitted with outward composure but with inward misgivings **to** the front row, the youngest "silk" in terms of length of call ever created up to that day, though his record was soon to he broken by the youthful John Simon.

To Mr. Algernon Sydney, his old friend and early client, he **wrote at** this time :

Many, many thanks for your very hearty congratulations. I started my legal career in your office—as you may have forgotten it, I remind you of it—and am glad you think I have done well T appreciate your advice as to the future—of course I shall have to wait and see what I do in my new capacity.

I dare say you think I am very young both in years of standing and of age to have applied for Silk—-I had not intended doing so until the end of 1899, when I should have completed twelve years "call," hut I could not help myself. I have worked literally day and night for the last three or four years and during the past six or nine months work increased so in quantity and importance that the strain began to tell—• in spite of my living the most quiet and temperate life—-and in fact I could not see how to do it, and you will appreciate how impossible it is to pick and choose. I had long since given up all but High Court work and therefore found no other means of relief than Silk. When I consulted the judges whose opinions I valued most, they told me not to hesitate but to apply at once and that I was sure to get it. I wasn't so sure but I applied and got it in ten days—so I was very lucky.

Of course my people are highly delighted and are much more confident of my future than I am. Were the world composed of partial relations, I might feel more confidence. However, industry and zeal always tell and I can take credit for both.

CHAPTER III

RUFUS ISAACS, Q.C.

HIS gloomy forebodings were soon dispelled. He was fortunate in **having** as **a junior a** large amount of work **on the stocks which he** was **able** to complete as a leader, so **that he did not disappear** even momentarily from the public eye **but had immediate opportunities of adapting himself** to **his** new

sphere of activity. Indeed, in spite of the volume of his lucrative practice as a junior his earnings in his first year in silk were greater than in any previous year, an uncommon experience for any member of the Bar before or since his day.

But his main object was far from being attained, since the pressure of work continued without relaxation or respite. Nevertheless, the change in its character gave him much relief, for he was at last finally delivered from the drudgery of drafting innumerable "pleadings," an aspect of his work as a junior which he had always viewed with abhorrence.

Even in his busiest days he had never succumbed to the temptation, against which less overtaxed men have not always been proof, of letting "devils" carry out the hack work of drawing pleadings for him and contenting himself with a cursory perusal of the draft and a hurried signature at the foot. Though the actual manual labour of writing was repugnant to him, he had insisted upon writing out all his pleadings himself ; nor did he ever fail to appear personally, if it was humanly possible, on the numberless summonses arising out of the preliminary stages of actions, though there was one memorable day when he was engaged in no less than forty-five.

But, if toward the end of his time as a junior the need did arise for someone to take his place, he had the reassuring knowledge that the work would be most competently and painstakingly done. For there had entered his chambers two men, both of whom were to be closely associated with him and to render him invaluable and devoted service throughout the remainder of his years at the Bar, Walter Schwabe, later Sir Walter and for a time Chief Justice of Madras, and G. A. H. Branson, who retired as senior puisne judge of the King's Bench Division in 1939. If they were fortunate in attaching themselves at an early stage to one who was later to develop into so commanding a figure at the Bar, he in his turn was to have good cause to give thanks for the happy chance which had led them to him. As the years passed, he came to value always more highly Branson's tireless industry and serene reliability, and in all the heaviest cases in which he himself was engaged he set increasing store upon Branson's presence and collaboration. There was also between the two men a deep-rooted affection, and it was a real joy to Rufus Isaacs when he was subsequently able as Attorney-General to appoint Branson to be Junior Counsel to the Treasury in the King's Bench Division, a post in which his special qualities would be likely to find their fullest scope and which carried with it by custom the title to promotion in due course to the Bench.

No one knew better than Rufus Isaacs how admirably qualified his "devil" was for both these offices and time only confirmed the Tightness of his judgment.

As a Queen's Counsel Rufus Isaacs had now left behind him for ever the hated servitude of paper work and was free to give his whole attention to the more attractive and spectacular role played by an occupant of the front row.

In twelve years he was to be a Law Officer of the Crown, destined never again to resume private practice, but within that brief space of time his name was to become legendary ; he was to earn an income never before attained by a member of the Bar $ he was to be the chief agent in introducing and popularizing a new school of cross-examination ; and he was to be happier in his work than at any other period of his varied career.

Looking back toward the close of his life upon a long vista of high offices, he never hesitated to choose the first years as a leader at the Bar as the time of his own greatest personal happiness, when increasing success already pointed to a splendid future in which anything might happen and everything was unknown.

The adventure was well under way, but the course was not yet plotted, the ports of call lay beyond the horizon, and the end of the voyage was far away across still uncharted seas.

He used to say that he had been for some years at the Bar and was getting really busy before he realized that what he was doing was work at all, and on his release from the drudgery which had harassed his later years as a junior he recovered much of his enjoyment of the daily toil. Certainly he gave in court an impression of zest and alertness too spontaneous to be assumed.

His fears that in taking silk he might have sacrificed substance to shadow did not long survive. Many of his best clients as a junior continued to brief him in his new capacity and fresh ones were soon attracted. Much of his work in his first two years as a leader still lay in the Commercial Court, where he was able to consolidate his position on already familiar ground and to equip himself for conquest of the fresh fields now opening ahead.

He was justified in looking forward in a mood of restrained optimism to the advent of the new century. He had attained a stage in his profession at which his performance as a junior and his promise as a leader combined to mark him out among his contemporaries. The burden of his Stock Exchange debts, which had crippled him for so many years, had been finally lifted by their discharge in full together with interest. He had a pleasant and spacious flat. A smart victoria and brougham had by now

appeared, first with one horse but soon after with a pair of handsome blacks. Even his wife's health showed a slight improvement. Altogether life wore a pleasant air of stability and success.

Hitherto he had had few opportunities for social life except on a modest scale and within a narrow circle. But indirectly overwork stood him from this aspect in good stead, for among its results was a series of attacks of gout in the foot which necessitated some part of the Long Vacation being dedicated to a cure.

In his earlier years he had been content with, or at least resigned to, the English seaside and he continued to cherish an affection for Brighton at Christmas. But the summer charms of such places as Rottingdean, Ventnor, or Cromer soon palled. Sea bathing never attracted him. Lawn tennis he played only fitfully, and his first attempt at golf, made on the Cromer links in 1898, had not been vastly encouraging. The gout gave him the opportunity for which he had been waiting to go further afield. Not that he was ever an enterprising traveller. Neither his wife's health nor his own inclination led him far from the beaten track. He had known considerable discomfort in his youth and he had no desire to renew the acquaintance as he grew older. Nor was he by temperament a sightseer. If there were places of obvious interest in the not too distant or inaccessible neighbourhood, he would visit them dutifully and appreciatively and with slightly exhausting thoroughness. But he detested dirt and smells and nothing would induce him to plunge into squalid alleys in pursuit of the historic or the picturesque.

His first quest of a cure led him in 1897 to the sophisticated brightness of Aix-les-Bains, where in the hotel and the casino he made friendships, some of which were necessarily ephemeral but others lifelong. He never made casual acquaintances readily, but he found at Aix such great figures of his own profession as Lord Russell of Killowen, then Lord Chief Justice of England, and Lord Esher, then Master of the Rolls, both of whom he met for the first time on a social footing, and among members of the Bar, Henry Dickens, Q.C., later Sir Henry and Common-Sergeant of the City of London. By Lord Esher in particular he was treated with the greatest cordiality. The tall, handsome old gentleman would sit by the hour in the shady hotel garden discoursing to the younger man of great legal battles and figures of the past, emphasizing his words by movements of his beautifully shaped, exquisitely kept and heavily ringed hands.

Through these men and from the casual *camaraderie* of the gambling rooms his circle of acquaintances steadily grew. He

adored the heat, and though his wife found it a considerable trial she endured it uncomplainingly for his sake.

He would spend the mornings in the gentle toils of the cure, borne to and from the baths in one of the carrying chairs with their red-and-white striped awnings, then so characteristic a feature of the place. The afternoons would be dedicated to some mild expedition, the whole party mounted on the newly fashionable bicycle, and the evenings to dining with friends, followed by a visit to the Villa des Fleurs, where he found in baccarat a constant source of amusement. He particularly enjoyed taking a bank and, though he never played high, lie was not averse to what he himself would describe as "a little flutter," which always meant that he had hazarded just a little more than he could properly afford !

One Christmas about this time was spent, in a spasm of extravagance, at Monte Carlo, where occasional bouts of roulette interrupted his more serious preoccupation with *trente-ct-quarante.* But as a rule the short Christmas vacation was spent at Brighton, where his brother Harry and his wife were then living and where his parents regularly came.

In these various circles Rufus and Alice Isaacs were greatly liked. He had all the evident attributes of social success : good looks, vitality, amiability, a faculty, very gratifying to the other person, of apparent absorption in his companion of the moment, a reputation as a coming man at the Bar and a fund of entertaining reminiscences of his earlier years in very different surroundings. Her gifts were perhaps less immediately apparent, inasmuch as in those days her deafness was inclined to make her reserved in the presence of strangers. But she had great natural dignity, a very alert and direct mind, and a power—perhaps stimulated by her defective hearing—of quick and comprehensive sight such as in her husband's experience was possessed to a comparable degree only by Marshall Hall. Though her interests were practical rather than intellectual, she soon proved that she could hold her own in any company ; and, if she was not a brilliant conversationalist, she was at least a highly intelligent and sympathetic one.

In 1900 their qualities were tested in a new field. His introduction to the Hampstead "Parliament" had been a fortunate chance for Rufus Isaacs. It not only afforded him opportunities of speaking in an atmosphere different from that of the law courts and of becoming acquainted with parliamentary forms, but also directed his thoughts with increasing interest to the political questions of the day, to such good purpose that in 1894

he had attained the office of Liberal "Prime Minister," no doubt to the considerable astonishment of those residents of Hampstead who had known him ten years previously.

His prominence in the Hampstead "Parliament" and his emergence into distinction at the Bar had not escaped the eyes of Liberal headquarters. He was now approached with an inquiry whether he could consider contesting a seat in the Liberal cause at the forthcoming General Election.

Here was another adventure opening before him, but at the moment the position was complex and the prospect obscure. Even if when first recruited for the Hampstead "Parliament" he had had no very definite political allegiance, it was inevitable that, when the time came for him to declare himself in favour of one of the existing parties in the State, his choice must lie with the Liberals. Though he never laid claim to a perfervid radicalism and had little sympathy with the narrower aspects of the Nonconformist outlook which constituted so powerful an element in contemporary liberalism, he was profoundly conscious of the urgent need for social reforms in many directions and genuinely eager to play his part in their realization.

Moreover, he came from a section of the community which in the lifetime of his own father had been driven to engage in a long and bitter struggle for emancipation from disabilities and admission to the full status of citizenship, and both instinct and reason drew him to the side of those who seemed to stand for liberty, toleration and progress. Indeed there was little in the declining years of Victorian toryism to attract to it a young man who owed nothing to privilege. Home politics were static and foreign relations strained. But the shadow of the South African War with all its blunders and failures, its hysteria and heroism, its "Black Weeks" and Mafeking Nights, its casualties in the field and deaths from disease, dominated the domestic scene and was designed by the Government to be the main theme of the election. If they had nothing else to offer, they could at least make the most of the spirit of jingoism created by the war ; and by waving Union Jacks, reciting "The Absent-minded Beggar," and indiscriminately dubbing their opponents "pro-Boers" they could probably be sure of a comfortable majority for the next few years. The more remote future must look after itself.

Against these formidable weapons the Liberals could not even present a united defence.

The party had inspired little confidence in the country during its brief and precarious tenure of office from 1892 to 1895, and during the subsequent years of opposition its fortunes had sunk

from bad to worse. With the outbreak of war internal dissensions, which had hitherto been concerned with individuals and to some extent kept discreetly in the background, now became involved with principles and thrust into the limelight.

On the one side was ranged the main body, led by Sir Henry Campbell-Bannerman, the titular head of the party, who had been propelled into sudden eminence by a series of unexpected events and was regarded by his critics as stubborn and ineffective, illusions which were to be dramatically dissipated in 1906. This faction, the spokesman of whose extreme element was Mr. David Lloyd George, was opposed to the war from the outset, regarded it as engineered for imperialist ends and openly sympathized with the Boers in their desperate struggle to maintain their independence. Its members held and expressed the view that hostilities should be terminated at the earliest possible moment, however inconclusive the result, and that no more lives should be sacrificed to chauvinistic ambition. Mr. Joseph Chamberlain, the Secretary of State for the Colonies, was to them the arch-villain of the piece, who had first planned and was now prolonging an unnecessary and unjust war.

On the other hand was arrayed a formidable minority under the spasmodic leadership of Lord Rosebery and numbering among its adherents the powerful triumvirate of Mr. Asquith, Mr. Haldane and Sir Edward Grey, without whose support no Liberal Government could hope long to survive.

This group, styled Liberal Imperialist, while doubting the original necessity for the use of force, held that, once war had been declared, it must be pursued at any cost to ultimate victory, with the object less of extending Great Britain's already vast possessions than of maintaining her prestige in the eyes of envious foreign Powers.

It was this latter doctrine which appealed to Rufus Isaacs' own temper of mind, reinforced by the example of Asquith and Haldane, whom he already knew and admired at the Bar.

Indeed, the description of "Liberal Imperialist" fitted him to perfection and remained the aptest epitome of his political creed long after it had fallen into disuse.

In 1900 he was certainly not looking for more work, since his practice already filled his days and much of his nights and to fight a seat meant further inroads upon his time, energy and savings. But pressure from the Central Office was difficult to resist for a man who had still to win his spurs in **public life,** and anyhow the strong probability was that he would only have to sacrifice his time during the actual contest, since he could not

hope to be offered a seat which he was likely to win at the first attempt.

The omens for any substantial increase in Liberal representation were hardly propitious. A potent injection of war fever had been successfully administered to the electors, who were not at all disposed to discriminate between brands of Liberalism and regarded both as in almost equal degree enemies of their country.

After some delay Rufus Isaacs was invited to contest North Kensington, where the sitting Conservative Member, Mr. Thompson Sharp, had had a majority of 916 at the last election and had spent the intervening years in decorous obedience to the Party Whips.

It was a constituency of striking social contrasts, with the gentility of the Ladbrokes at one end of the scale and the squalor of Notting Dale at the other and between the two the garish cheerfulness of the Portobello Road. There seemed no reason to expect that it would change its political colour but it would yield valuable experience ; and from Rufus Isaacs' point of view it had the immense advantage that he could easily work it from his own home in Palace Court without the waste of time and energy iuvolved in wearisome train journeys or the penance of lly-blown provincial hotels.

Both he and his wife were complete novices in the skilled and subtle art of electioneering, but she at once summoned all her reserves of strength to help him. The organization was rudimentary, but with the aid of the former Liberal candidate, Mr. Fry, a member of the well-known cocoa firm, a central committee room was opened in Ladbroke Grove and voluntary workers were collected and either set down to the dismal task of addressing envelopes or sent forth into by-streets with canvass cards. Only a very short time was available for the campaign, but at least the number of voters was manageable in comparison with the huge, unwieldy electorates of to-day, and touch was established with them by means of daily drives in the carriage with coachman, horses, lamps and occupants all conspicuously rosetted with the Liberal yellow, as well as by evening meetings in schools and halls. The great men of the party were all either engaged in their own constituencies or concentrated in others which held out possibilities of a Liberal victory and the candidate for North Kensington was forced to depend largely upon his own oratorical efforts, eked out with local talent and occasionally supplemented by friends from the Eighty Club or the Bar.

But it was from the outset a hopeless battle. The yellow was swamped in the most and the least select districts by the Tory

blue, and even in the intermediate areas the display was not encouraging. Nevertheless, he had in the end the satisfaction of reducing Mr. Thompson Sharp's majority by 186 votes on a total poll of less than 6,000, a result more favourable than in all the circumstances he had dared to expect.

He had anyhow proved to the leaders of the party that he was worthy of a more hopeful constituency on the next occasion and had acquired much practice in platform oratory.

He found little difficulty in adapting his restrained style of forensic eloquence to the more robust demands of popular appeal, and in the ensuing years more requests were made for his services on platforms up and down the country than his practice enabled him to fulfil.

He spoke at that time largely without notes, though not without preparation, and with a stimulating vigour and warmth. He did not hesitate to let himself go and his own vitality soon communicated itself to his audience. He had no pretensions either to the classic deliberation of Mr. Asquith or to the dynamic exuberance of Mr. Lloyd George. He was never a maker of phrases and his effects owed little or nothing to choice of words. But he never made the lawyer's mistake of talking above the heads of his hearers. His speeches were simple and direct both in form and content, and they succeeded by the impression of spontaneity and sincerity which they conveyed.

With these methods it is inevitable that his speeches should have been better to hear than to read, more especially since print could not hope to reproduce his chief asset. For of all his gifts, legal, political, or social, his voice was the greatest. He had never had a lesson in elocution or voice production ; though no doubt his voice had been developed in volume and control by much singing in early days at home, it possessed a natural resonance which had nothing of the metallic hardness of brass but was vibrant with the suppleness of strings. Beautifully modulated and perfectly pitched, it could be heard in big halls with far greater ease than more powerful voices, and it diffused a magnetic quality which at once captured and held the attention of his audience, however large or small. It was the voice of a great actor without any of the mannerisms or affectations of the stage.

Sparing of gesture in the courts, he habitually stood in the characteristic attitude in which he is shown in "Spy's" cartoon from *Vanity Fair,* with both hands raised almost to shoulder height and grasping the edges of his grown. On the platform he was apt to begin in much the. same position, with hands folding

the lapels of his coat ; but, as he warmed to his argument, his hands and arms would come into vigorous play and sweeping and expressive gestures would be used to drive the points home.

Though it was soon apparent that he had been fortunate in not being elected to Parliament, he continued to keep in touch with Liberal Imperialist politics and personalities. Lord Rosebery was undergoing an unusually long spell of sustained activity and had even consented to address meetings in the country, including a great rally at Chesterfield. A number of his supporters from London travelled up to "make a platform" on this important occasion. The main hall was packed and an overflow meeting had to be hastily arranged which, after the tiresome habit of overflow meetings, had to be kept amused until the chief speaker was free to vouchsafe to it a condensed version of the address which he had just delivered elsewhere.

Rufus Isaacs was among the travellers from London to Chesterfield, but found on arrival that he was after all not to hear the speech from Lord Rosebery for the sake of which he had come so far and at so much inconvenience, having been marked down as a sacrifice to the overflow.

However, it could under pressure be regarded as a compliment and, though he had nothing prepared, he embarked upon an amalgam of the speeches to which the electors of North Kensington had listened not many months before. He had been for some time on his legs and was still undefeated though flagging, when he made a point which to his immense surprise roused the audience to the wildest enthusiasm. Cheer after cheer was raised and the speaker, thinking that he must unwittingly have made some local allusion of great moment, waited in secret elation for the gratifying applause to subside. As he stood there, he felt a hand on his shoulder and heard the voice of Lord Rosebery, whose entry from the back while he was speaking he had failed to observe, saying in his ear : "Thanks very much, Mr. Isaacs. I think I'll speak now.

But these incursions into politics were rare, for his practice was now demanding undivided attention and he was emerging from what is to the outside world the comparative obscurity of the Commercial Court into the full publicity of such cases as figure in headlines and on contents bills.

As a junior he had scarcely ever found his way into a criminal court, but the first case after he had taken silk which brought his name prominently before the public had been a long prosecution at the Old Bailey of a solicitor named Beall and three of his associates for frauds in connection with a bogus company,

formed for the purpose of carrying on business as a discount bank with the suspiciously imposing title of the London and Scottish Banking and Discount Corporation, Limited. The scheme had been in operation over a period of some three years, during which by the aid of a fraudulent prospectus and of vigorous and sustained eulogy of the company's position and prospects in a paper called the *Financial Gazette* and owned by Beall, the public had been induced to part with some £20,000 for the privilege of becoming shareholders.

Rufus Isaacs had had the unenviable task of defending Beall, who had been the moving spirit and, in the words of Mr. Justice Channel, who tried the case, "the brains of the undertaking." He put up a gallant defence on behalf of his client during the fifteen clays of the hearing and had shown himself completely at home among the intricate and technical details of the company's financial history. But the evidence was overwhelming and Beall was found guilty and sentenced to four years' penal servitude.

The case had been useful to Rufus Isaacs both as introducing him to the atmosphere of the Old Bailey and as bringing his name into prominence in his still early days of "silk." But he never liked criminal work and as soon as it was over he had returned to his more familiar surroundings.

It was not until the spring of 1901 that he found himself engaged in the first of the long series of "sensational" cases which marked his subsequent career at the Bar.

At the time of the South African War no British politician was more devoutly hated by his opponents than Mr. Joseph Chamberlain, then Colonial Secretary, who was commonly regarded by them as to a large extent responsible for the state of affairs which led up to the war and for the ultimate outbreak of hostilities.

When therefore it became apparent that a general election was in the offing, the Opposition Press concentrated upon Mr. Chamberlain the full fury of its onslaught.

Moreover, reports from the theatre of war seemed to indicate that not only were tactics still on the Crimean model but that supply services were equally out of date. Nor was criticism confined to deficiencies in the field. The entire system of placing orders with Government contractors was assailed as being not only obsolete but-open to suspicion of favouritism or even corruption.

The matter was raised by the Opposition in the House of Commons and pressed with so much vehemence that early in the year the Government assented to the appointment of a Select Committee to inquire into and report upon all such contracts

made within the previous twelve months. The committee duly reported in August 1900 that it was fully satisfied with the allocation of contracts for cordite, which had been among those most generally and severely attacked, but the critics were not yet appeased.

Public duty and party interest combined to continue the assault, and from August to October the *Star* and its now defunct companion, the *Morning Leader*, conducted a campaign, swelling in a vigorous crescendo as the date of the General Election drew nearer, mainly against the cordite contracts and with special reference to the part played in the matter by Kynoch's of Birmingham under the chairmanship of Mr. Arthur Chamberlain, brother of the Colonial Secretary.

Mr. Arthur Chamberlain was himself a prominent figure in the Birmingham business world and on the board of numerous companies, but apart from one unsuccessful attempt in 1895 to secure election to the House of Commons as a Liberal Unionist he had taken no part in politics.

The attack was manifestly directed against Mr. Joseph Chamberlain and in a minor degree his son, Mr. Austen Chamberlain, then holding his first ministerial post as Civil Lord of the Admiralty, and was based upon the unexceptional principle that no one controlling a spending department of the Government should be interested in any company engaged in supplying that department.

As soon as the series of articles started, echoes of their contents were heard in the House of Commons and on August 8 Mr. Joseph Chamberlain, in reply to a question by Mr. Reginald McKenna, stated emphatically that he had no interest, direct or indirect, in Kynoch's or any other company supplying warlike material. He also informed the House that he had been advised that there was no statement in the articles upon which he or his son could found an action for libel.

But if neither Mr. Joseph nor Mr. Austen Chamberlain could take steps to protect themselves in the courts, there was always Mr. Arthur, who in due course issued a writ.

The case, which came on for trial before Lord Alverstone, the Lord Chief Justice, and a special jury on March 21, 1901, lasted for five days and roused enormous public interest on account of the political issues and personalities involved.

Mr. Chamberlain was running no risks and sparing no expense. His counsel were Sir Edward Clarke, at that time the most famous and formidable advocate at the Bar in cases of this kind, Blake Odgers, K.C., a monument of legal learning especially on the subject of libel, and Whitmore Richards.

The *Star* was, however, in a more adventurous mood and entrusted its defence to Rufus Isaacs and J. Eldon Bankes, who at the time of the issue of the writ was a prominent junior but had taken silk before the case came on for trial. He was in future years as Lord Justice Bankes to preside with unfailing wisdom and urbanity over one of the Courts of Appeal.

The main purpose of the newspaper articles had been to attack the system of distribution of Government contracts and incidentally to challenge the accuracy and candour of Mr. Joseph Chamberlain's statement in the House of Commons as to his personal position, especially in relation to Kynoch's of Birmingham.

This company, of which Mr. Arthur Chamberlain had been chairman for a number of years, was one of the chief suppliers of cordite to the Government, but there were circumstances in connection with the allocation to it of substantial contracts which certainly seemed to require explanation.

On more than one occasion the company had sent in a tender at a price higher than that quoted by its competitors and had then been given the opportunity of revising its figure, subsequently receiving very considerable orders. It had even happened that Kynoch's had been given an order although their price was the highest of seven firms tendering.

The departments concerned justified this apparent favouritism by the plea that the public interest demanded that as many manufacturers as possible should be encouraged to produce cordite, and this view was accepted by the Select Committee.

But an uneasy feeling was still abroad that this explanation was not entirely satisfactory and the *Star* articles only served to add fuel to this flickering flame. For diligent research at Somerset House unearthed the fact that, whether he knew it or not, Mr. Joseph Chamberlain's answer to Mr. McKenna had not told the full story. It was discovered that there was in existence the Birmingham Trust Company, of which Mr. Arthur Chamberlain was again chairman, which had invested some 10 per cent of its capital in Kynoch's shares, and that Mr. Joseph Chamberlain was to a modest extent a shareholder in this Trust Company. Here was the connection, however devious, between him and Kynoch's, which might offer an alternative to the official explanation of the preferential-treatment accorded to this concern. While strongly disclaiming any suggestion of actual corruption, the newspaper contended that illegitimate pressure had been brought to bear upon Government departments in the interest of Kynoch's on the strength of the Colonial Secretary's family connection with it,

and that this was only another, even if unusually flagrant, example of the way in which the existing method of allocation of contracts lent itself to abuse.

The *Star's* defence to Mr. Arthur Chamberlain's claim for damages for libel was that, in so far as the passages of which complaint was made were statements of fact, they were not defamatory of him, and that such opinions as had been expressed on the basis of those facts were nothing more than fair comment on a matter of public interest. Wisely, no attempt was made to take on the burden of proving the truth of the allegations which would have been necessitated by a plea of justification.

As so often happens in similar circumstances, the writer of the articles had started to present with moderation a case for further inquiry but, as more material came unexpectedly to light, had been carried gleefully away by his subject and had said more than could be regarded as falling even within the elastic bounds of fair comment. The defence would require to be handled with the greatest circumspection if the jury were to be dissuaded from awarding heavy damages. A violent frontal attack on Mr. Arthur Chamberlain might be highly spectacular, but it would surely be very costly ; and Rufus Isaacs from the outset conducted the case with delicacy and restraint, though where he felt himself to be on sure ground he did not hesitate to tackle the plaintiff firmly and to press him with polite persistence.

After Sir Edward Clarke, endeavouring to dispel any political atmosphere and to put the case as a quite unjustifiable attack upon one who was "essentially a commercial man," had traced with masterly lucidity in his opening speech his client's connection with the numerous companies referred to in the series of articles, Mr. Arthur Chamberlain himself entered the box to give a history of the cordite contracts and the other incidents which had formed the basis of the newspaper's attacks.

Solid and stolid, he did not appear a very hopeful subject for cross-examination and indeed did not prove to be one. But Rufus Isaacs was by no means devoid of material and some of the witness's answers showed by their abruptness that he was not entirely enjoying his experience.

After a few preliminary questions Rufus Isaacs approached the main issue of the case.

R.I. : "In your opinion would it be legitimate to use political influence to get contracts for Kynoch's ?"

Mr. Chamberlain : "No."

R.I. : "Do you consider it would be legitimate to make use of the name of the Secretary of State for the Colonies to advance

the interests of Kynoch's or any other company in which you are interested ?"

Mr. Chamberlain : "There are circumstances under which it would be perfectly legitimate."

R.I. : "Have you ever done it ?"

Mr. Chamberlain . "No."

R.I. : "Have any of your subordinates ?"

Mr. Chamberlain : "One did so without my knowledge. A gentleman of the name of Cullen has done so. He was the manager of the London office of Kynoch's till about six months ago."

R.I. "How did he do it ?"

Mr. Chamberlain : "By writing letters to the Agents-General for the Colonies."

The witness added that Mr. Cullen had dictated and Mr. Cocking, the London director, had signed a letter to the Foreign Office asking for letters of introduction.

This was uncomfortable ground for Mr. Chamberlain, since, although he denied all knowledge of the offending letters until a question had been asked about them in the House of Commons, the fact remained that anyhow in the letter to the Agent-General for New South Wales Mr. Cullen had asked for a letter of introduction for the secretary of Kynoch's to the Prime Minister of that State, and had requested the Agent-General to mention in his letter that the chairman of the company was the Colonial Secretary's brother.

Mr. Chamberlain said, however, that he had formed no opinion as to the object with which Mr. Cullen had written his letter.

R.I. : "Is your mind a blank on the subject?"

Mr. Chamberlain : Quite a blank," an answer on so vital a matter which can scarcely have impressed the jury.

Having made his point on this and a similar letter to the Agent-General for Queensland, of both of which Mr. Chamberlain expressed disapproval, Rufus Isaacs wisely refrained from over-elaborating an effective point and passed on to other questions, pressing the witness especially hard as to whether there had not been at the outset of Kynoch's connection with cordite, and before they were in a position properly to manufacture it, a price-keeping arrangement with Nobel's, the suggestion being that Kynoch's were to use their influence to obtain a share in the contracts, that Nobel's should then manufacture the cordite and that the two concerns should divide the profits.

On the point as to the reduction of tenders Mi*. Chamberlain was again in some difficulty.

R.I. : "Do you say it would be wrong to describe it as a highly unusual process to be allowed to reduce your tender ?"

Mr. Chamberlain : "It is not 'highly' unusual."

R.I. : "Is it unusual without the 'highly' ?"

Mr. Chamberlain : "I cannot argue about it."

The Lord Chief Justice : "I suppose it is not a common thing ?"

Mr. Chamberlain : "No, it is not common."

The Lord Chief Justice : "Then it is unusual."

As regards the Birmingham Trust Company the witness asserted that Mr. Joseph Chamberlain could not, in giving his answer in the House of Commons, have forgotten about the investment by the Birmingham Trust Company in Kynoch's because he had never known about it.

The cross-examination had been by no means barren of results. It had shown that, while the newspaper had overstated its case and had made allegations against Mr. Chamberlain personally which could not be sustained, there had been matters which, although they did not on investigation reflect upon any member of the Chamberlain family, had originally worn a suspicious air.

Provided Rufus Isaacs did not antagonize the jury in his final speech by urging them to disbelieve Mr. Chamberlain's sworn evidence, it might be that, although a verdict for the plaintiff was inevitable, the damages would be reduced to a modest figure.

He was, therefore, careful in addressing the jury to accept without reservation everything that the plaintiff had said in his evidence and to shape his speech on those lines, contending that the whole of the campaign of criticism had been directed at Mr. Joseph and Mr. Austen Chamberlain, that Mr. Joseph Chamberlain had said in the House of Commons and had told his brother that he was advised that neither he nor Mr. Austen Chamberlain could bring an action for libel, and therefore it was that Mr. Arthur Chamberlain, who was quite a minor person in these matters, came forward and brought an action for libel, alleging that he was charged in the articles with corruption. After reviewing the evidence he asked the jury to say that, taking the broad aspects of the case, the defendants had been justified in making their comments.

Sir Edward Clarke followed with the opening thrust that the suggestion was that the assault had been intended to be directed against Mr. Joseph and Mr. Austen Chamberlain and that, if Mr. Arthur Chamberlain was hit in the attack, it was because he enjoyed the privilege of being Mr. Joseph Chamberlain's brother,

and that he must always remember as a consolation that his brother was a member of the Cabinet.

After the summing-up the jury retired to deliberate, returning forty-five minutes later with a verdict for the plaintiff with damages £200.

This was a far lower figure than had been generally expected. The defendant newspaper had been consistently pro-Boer $ the plaintiff was the brother of one of the leading figures in the country. The defendants had been represented by a young "silk," inexperienced in this type of action ; the plaintiff had had as his counsel the leading advocate at the Bar. Indeed so confident was Sir Edward Clarke of obtaining a verdict for heavy damages that at an early stage in his final speech to the jury, he said :

"I am very glad that, when the records of this case come to be looked up in the future, it will be found that everything that could be said and everything that ingenuity coidd do has been said and done by my learned friend, Mr. Rufus Isaacs."

When the verdict came to be given, it was apparent that what Rufus Isaacs had said and done had had its effect and that the smallness of the damages was wholly due to the tactics which he had so determinedly and ably employed.

The *Star* was jubilant and paid grateful tribute in its columns to "the vast skill and the perfect discretion" with which the defence had been conducted.

To a young King's Counsel who had reached the stage of advance toward the foremost rank at which Rufus Isaacs had then arrived, such publicity was of immense and lasting value. But for the time being he again went back to what was now a heavy and lucrative practice in commercial and Stock Exchange cases. It was not till January of the next year, 1902, that he found himself once more prominent in the public eye.

The South African War had many repercussions in the courts of this country which in their day excited wide public interest.

Among the more conspicuous was the trial on January 17 and 18, 1902, before the Lord Chief Justice (Lord Alverstone) at the Old Bailey of Dr. F. Krause on the grave charge of incitement to murder.

Sir Edward Carson, then Solicitor-General, was the leading counsel for the Crown and Rufus Isaacs was retained on behalf of the accused man.

Incidentally, it was the first occasion on which he was briefed as leader by the famous firm of Lewis & Lewis, who were to instruct him in after years in many of his most celebrated cases.

Piquancy was given to the proceedings by the fact that the

leading counsel for the prosecution and for the defence, the accused and the proposed victim were all four members of the same Inn of Court!

Dr. Krause was a young Afrikander of considerable promise who had been called to the English Bar at the Middle Temple and in 1898 was acting as First Public Prosecutor in Johannesburg in the service of the Transvaal Republic, where one of his colleagues was a Mr. Broeksma. Dr. Krause had naturally taken part in the war on the Boer side and in 1900 was employed as Special Commandant of the Witwatersrand district, which included Johannesburg. In that capacity he entered into the negotiations with Lord Roberts, the British Commander-in-Chief, on May 50, 1900, which resulted in the surrender of the town by the Boers.

After the entry of the British forces he stayed on in the town, resuming his practice as an advocate, and on June 9 he gave a formal undertaking not to leave Johannesburg without permission and not to take up arms against the British or to furnish any assistance to the Boers.

Nevertheless, he resolutely refused to take the oath of allegiance and as a result his licence to practice was subsequently withdrawn.

Being thus prohibited from carrying on his profession in South Africa, he asked and obtained leave to come to Europe and ultimately arrived in London, where he remained until his arrest.

During his residence there he kept up a correspondence with his former colleague, Broeksma, and also made himself the channel of communication between Broeksma and other sympathizers with the Boer cause in South Africa and such remnant of the Republican governments as had made its way to Europe.

He also strove to kindle an agitation in this country on behalf of the Boers, and the correspondence between him and Broeksma contained references to "medicines" to be sent by Broeksma from abroad for use in England which appeared plainly to be a euphemism for funds.

Dr. Krause's attempts in this direction met with so poor a response that in his disappointment and defeat he became convinced that he was being thwarted by a malign influence and that the cause of all his difficulties was a certain Mr. John Douglas Foster, whom he had known in former days as a colleague at the Bar and also as chairman of the South Africa League, a body whose views and aims were in the most direct opposition to Dr. Krause's own, since it existed for the purpose of working to

maintain British supremacy in South Africa. Foster had left Johannesburg at the outbreak of war, and after a period of service in the Intelligence Department at Capetown had been appointed to Lord Roberts's staff and had been one of a party of three sent into Johannesburg in May, 1900, under a white flag to discuss with Dr. Krause terms for the surrender of the town.

After a spell as legal adviser to the British Military Governor he had since June, 1901, been the special correspondent in Johannesburg of the *Pall Mall Gazette*, a London evening paper of high standing and wide influence at the time. In his dispatches to his paper he wrote against the Boers with great bitterness, urging that those who were still in the field ought to be regarded as rebellious British subjects and treated not as belligerents but as robbers and bandits without any claim to be accorded the courtesies and conventions of war.

Probably Mr. Foster's communications to his paper did have a considerable influence upon public opinion here, though perhaps not as great as Dr. Krause believed. But, whether it sprang from personal antipathy or political enmity or a blend of the two, Dr. Krause had developed something of an obsession that, whenever his own plans sustained a reverse, it was always the hidden hand of Mr. Foster that was responsible for their frustration. The longer he brooded over his failures, the more deeply he became convinced that the only remedy lay in the removal of so irreconcilable and successful an adversary.

In the earlier of Dr. Krause's letters to Mr. Broeksma which fell into the hands of the authorities the writer had been mainly concerned to unearth discreditable details about Mr. Foster's past. The impetuous Mr. (afterward Sir Arthur) Markham, Liberal member for Mansfield and an adept at the art of trailing his coat, had addressed to *The Times* in February of 1901 a letter embodying a communication which he had received from Dr. Krause who referred to Mr. Foster as "a man of very doubtful character." Mr. Foster had thereupon promptly commenced an action for libel against *The Times* and Mr. Markham, and the latter had taken the singular course of retaining Dr. Krause as his counsel in the case. Dr. Krause's interest in Mr. Foster's past was therefore primarily professional, as he was in need of material to support a plea of justification in the action, but also political, as he hoped 'that a successful plea of justification would so effectively discredit Mr. Foster as to put an end to his journalistic career.

The Times apologized and Mr. Foster withdrew his action against the paper, continuing against Mr. Markham alone, but

by August, 1901, the protracted Long Vacation was at hand and the case had not yet been heard. Dr. Krause felt that matters could not be allowed to drift on and that some urgent step must be taken to silence his enemy.

Accordingly, on August 6 he wrote to Mr. Broeksma two letters to two different addresses in Johannesburg. The one contained the passage :

Hearty thanks for information *re* F. I have already . . . written to you about hun and I hope that you have received that letter arid that you will also give effect to the therein contained order and that in some legal manner. This man must be got out of the way, cost what it may. His influence is very damaging.

The other contained the words :

The lies which are published here with design is [sic] unbelievable and the person F. of whom I wrote is greatly the cause of this, and . . . I also wrote to you the previous week that our people should be made aware of this, so that he can be shot dead in some lawful way, or otherwise put out of the way. This is absolutely necessary and the sooner the better for our cause.

These two letters were intercepted in South Africa by the authorities, for before their delivery Broeksma had been arrested on a charge of high treason, tried by a military tribunal, found guilty and shot. Dr. Krause was subsequently arrested in this country on a similar charge.

Lengthy discussions then ensued between London and South Africa as to whether he should be sent out to the Cape for trial before a military tribunal or should be tried here in the ordinary course of the administration of criminal justice.

In the end it was decided that it would be fairer to the accused that instead of being sent to be tried under martial law he should be prosecuted in the calmer atmosphere of the Old Bailey, though the authorities did not formally abandon the charge of high treason upon which he would have had to stand his trial in South Africa.

The task of those representing Dr. Krause was obviously one of extreme difficulty, since the phrases in the letters concerning the necessity for doing away with Mr. Foster bore on the face of them so obvious a meaning that it would require great ingenuity to explain them plausibly away.

The indictment was a voluminous document of thirty separate counts, all based upon the two letters quoted above and containing

charges both under the Offences against the Person Act, 1861, and at Common Law.

The Solicitor-General opened the case and in the course of his speech read, in spite of a protest by Rufus Isaacs, the letters earlier in date than those upon which the actual charges were founded, in order to show Dr. Krause's attitude toward Mr. Foster and the motive which led him to regard it as essential that he should be got out of the way.

He then called Mr. Foster, whose evidence was almost entirely autobiographical. He admitted in cross-examination that from 1895 to 1899 he had taken a most active part in political agitation in the Transvaal and that more recently in his dispatches to the *Pall Mall Gazette* he had written as strongly as he could against the Boers.

The remaining evidence for the Crown was largely of a formal character, being concerned with the circumstances of the posting of the material letters in London and their arrival and interception in South Africa.

In the course of cross-examination Rufus Isaacs read in full a letter from Lord Roberts to Dr. Krause of June 2, 1900, in which the Field-Marshal conveyed his appreciation of "the invaluable assistance you have afforded me in connection with the entry into this town [Johannesburg] of the force under my command."

At the close of the case for the prosecution Rufus Isaacs submitted that there was no evidence to support certain of the charges laid under the Statute. Moreover, the Offences against the Person Act was concerned with the crimes of "soliciting," "persuading," or "endeavouring to persuade," and Rufus Isaacs' argument was directed to showing that there could in the present case be no conviction for any offence under that Act, since no offence was constituted unless it could be proved that the solicitation or persuasion had not only been directed to but had in fact reached the person to be solicited or persuaded, so as to be capable of influencing his mind and actions.

Here the letters upon which the indictment was founded had never reached Broeksma, who could consequently not have been solicited or persuaded by them.

"Endeavour to persuade" at first sight might be thought to undermine this argument, but in that case too the proper view was that the mind and actions of the other person must be affected by the endeavours, the only difference being that the persuasion did not succeed in achieving its object but remained at the incomplete stage of endeavour. This was a point of vital importance to the trial, for, if it could be substantiated, the accused man could

not receive a heavier sentence than imprisonment for two years on conviction for the common law offence of attempting to incite in place of the heavy maximum sentence authorized by the Statue.

In spite of the Solicitor-General's efforts to brush this submission contemptuously aside the Lord Chief Justice was impressed and after reflection overnight ruled the next morning in favour of Rufus Isaacs' point.

The trial, therefore, proceeded to its close on the charges based on the relatively minor common law offence of attempting to solicit a person to commit murder.

But the defence was to meet with no further success and indeed could scarcely hope for any.

In his address to the jury Rufus Isaacs insisted upon his client's high character and motives and strove to convince them that the references in the letters to getting Mr. Foster out of the way "in some legal manner" meant nothing more sinister than that he ought to be brought before a Boer military tribunal and, if found guilty of an offence punishable by death, duly shot, and that it did not mean that Broeksma was to have him shot without trial.

But after the Solicitor-General had addressed them and the Lord Chief Justice had summed up, the jury did not take long- to reject Rufus Isaacs' ingenious explanation in favour of the more obvious and indeed almost irresistible one. An absence of ten minutes was sufficient to enable them to agree upon a verdict of guilty and Dr. Krause was duly sentenced to two years' imprisonment, the Lord Chief Justice in passing the sentence going out of his way to state that he had been most ably defended.

Very soon after the Krause case Rufus Isaacs found himself once more engaged at the Old Bailey, this time in the remarkable Liverpool Bank frauds case.

Among the minor employees of the Bank of Liverpool in the year 1900 was a young man named Goudie, a native of the Shetland Islands, who had entered the service of the bank some seven years before that date and had come to be regarded as a highly industrious and reliable ledger clerk, always accurate and up to date in his own work and always willing to assist his colleagues in theirs. He lived frugally in lodgings in Liverpool, for which he paid one pound a week inclusive of board, and he appeared to have no vices and no interests outside his duties at the bank. But appearances were deceptive, for beneath a diffident and diligent exterior he concealed an absorbing passion for betting on horses. Like many others of similar tastes both before and since his day he had begun by risking only such small sums as he could afford

out of his modest salary but was gradually driven to increasing his stake in a frantic effort to recoup his losses, until he found himself indebted to bookmakers for amounts which he was totally unable to provide out of his own resources. This difficulty he overcame by the simple expedient of forging a cheque on the bank, but his success was his undoing. He began to frequent race courses whenever opportunity occurred, fell among bad companions and, being of an astonishingly credulous turn of mind, was soon being used by them as a tool for the carrying out of operations on a scale which, left to his own devices, he would probably never have contemplated.

Between October, 1900, and November, 1901, he obtained from the bank by means of further forged cheques no less a sum than £160,000, the whole of which went to one or other of his disreputable associates. Of all those concerned Goudie alone received not one penny piece, although without his co-operation the others would have been powerless to carry through their schemes.

On October 26, 1900, Goudie was returning from Newmarket Races when by an unlucky chance he found himself in a railway carriage with two men named Kelly and Stiles.

Kelly lived at Bradford, and had been for many years vaguely connected with horse racing. His fortunes had fluctuated, but in October, 1900, they were at a low ebb, his banking account containing only one pound.

Stiles had at one time been a bookmaker's runner, but his employer had died two or three years earlier, and since then his days had been chiefly spent in the neighbourhood of Piccadilly Circus in the hope of picking up a drink, a meal, or a bit of useful information about a horse.

These two worthies proceeded to invite Goudie to join them in a game of cards, to which he agreed, and long before they reached London they had decided that guilelessness such as his was only encountered once in a lifetime and that they could not afford to waste its possibilities. They therefore urged him to meet them on the following day at Hurst Park and Goudie, pleased with his kind new friends, accepted. They then proceeded to practise upon him an impudent and well-worn fraud known on the turf as "telling the tale," which consisted in first winning his confidence by painting a glowing picture of their own importance in the racing world, then offering to do his betting for him, and in the end assuring him that the bets had been made and that he had lost.

On the first day they treated him gently, telling him that

Stiles had lost a lot of money, but that he himself had won on the first race, though unfortunately he was £230 to the bad on the day. After a short interval Goudie sent a cheque for his "losses" together with £1000 for future transactions. During the next eleven months Kelly obtained £29,615 and Stiles 35,352 by this gratifying simple method. Such was their contempt for Goudie's intelligence that they did not even once go through the formality of pretending that he had won, though they consoled him each time he lost with the assurance that Stiles had lost far more heavily.

Meanwhile, Goudie was, of course, under the necessity of continuing to defraud the bank, which he did by a system the ingenuity and thoroughness of which seem totally at variance with the imbecility displayed by him in his dealings with the proceeds of his fraud. As ledger clerk he was in charge of the accounts of customers whose names began with the letters H to K, and he was thus familiar with the signature of Mr. Hudson, the soap magnate. Opening a small account in his own name, he obtained a cheque book by this means and proceeded to forge on the cheques Mr. Hudson's name.

When the cheques came back to him, he did not enter them in the ledger but ticked the ledger to show that it had been compared with the clearing department's journal and then destroyed the cheques. He also made false debit entries in the weekly statements which it was his duty to prepare, so that the amounts represented by the forged cheques should be accounted for and no queries arise. The awkward problem of recurrent audits remained, but this he solved by making an entry of a false debit to the account of a customer a day or two before the audit took place, leaving this entry in the ledger until the audit was complete and then rectifying the position by making an entry of a corresponding false credit.

It was a handsome tribute to Goudie's resourcefulness that at the close of his trial Mr. Justice Bigham should have expressed the view that no care on the part of the bank could have prevented these frauds from being practised.

Kelly and Stiles enjoyed for a year an affluence such as they had never previously known, and their success was all the sweeter since it involved no effort and little risk. But in October, 1901, the field was invaded by formidable antagonists and Kelly and Stiles, thinking discretion the better part of valour, hastily abandoned it to the new-comers. These consisted of one Burge, a prize-fighter in financial straits, a man named Mances, who had a room at the Charing Cross Hotel but no known occupation, and a ready-money bookmaker named Marks, who carried on an unsuc-

cessful business at an office in Adelphi Terrace. Just when their several fortunes seemed to be reaching rock bottom, this unscrupulous trio heard of Goudie. On October 16 Burge went to Newmarket to amplify such information as he already possessed, and on the eighteenth he and Mances were in Liverpool, where Mances waited at the accommodation address to which Goudie had his letters sent under the name of Scott, until the quarry appeared. Mances then insisted upon entering into conversation with him and soon told him that he knew who he was and what lie was doing. His attitude was menacing and Goudie, who was terrified that knowledge of his escapades had leaked out, felt obliged to agree to Mances' offer to introduce him to a bookmaker, whom he described as being in with all the wealthy Jews, in order that in future his betting should be done through this channel. Mances further said that he knew a jockey whose information was so reliable that in future Goudie was bound to win, and added that his friend the bookmaker operated on such a scale that a backer could have £5000 on a horse within an hour of the start of any race, a statement which anyone of less credulity than Goudie would have recognized to be manifestly absurd. But Goudie, though he did not feel quite comfortable with his new acquaintance, was reassured by a telegram which Marks had been induced to send to Mances in Liverpool : "You can send five thousand hour before starting time of race," and on the same day he telegraphed to Marks's London address : "Hedera 5000 J. P. Scott. Reply if on." To this Burge duly replied in the name of Marks : "You are on Hedera 5000," but no such bet was ever made. Nevertheless Goudie was called upon to pay the £5000 and did so by the usual method.

But Burge, Mances and Marks had not the moderation of Kelly and Stiles ; they forced the pace to such an extent that after the first three days of their association with them Goudie was told that he had lost £25,000, and by November 21, a month after their first meeting, they had extracted from him some £90,000, £15,000 of which went to Marks, £58,000 to Burge and £37,000 to Mances.

On November 21 it was discovered that Goudie had been forging Mr. Hudson's name to the cheques. When a question was asked of him in regard to an entry, he contrived to make an excuse to absent himself, left the bank premises and absconded, not being arrested till a month later.

On November 25 warrants were issued for the arrest of Marks, Mances and Burge. Marks promptly left his hotel, went to Brighton and thence crossed the Channel from Newhaven. Later, as the result of information received, the police met the

boat from Boulogne at Folkestone, where Marks's bag was found on board but not Marks himself. From this not entirely conclusive evidence it was assumed that he had committed suicide by jumping overboard during the crossing.

Mances reached Paris with £2000 in cash and disappeared. Burge apparently thought he was safe in remaining in England since all the cheques had passed through Marks's hands.

Kelly came forward at Manchester, volunteering the information that the transactions which he and Stiles had had with Goudie had been bona fide betting transactions and producing letters to substantiate his story. But by an unfortunate error he handed over two which had not been intended for perusal by the authorities, since they contained conclusive evidence of the conspiracy between him and Stiles.

On February 18, 1902, Mr. Justice Bigham began the trial of all those connected with the frauds upon whom the police had been able to lay hands.

C. F. Gill, K.C., Charles Matthews, and Graham Campbell appeared for the Crown and three King's Counsel were retained on behalf of the various accused, Rufus Isaacs for Kelly, Marshall Hall for Stiles and Avory for Burge, while Goudie was defended by F. E. Smith, then still a junior, and Hemmerde. There were a number of charges against each of the prisoners, to all of which, so far as they affected him, Goudie pleaded guilty and the others not guilty.

Fortunately for Kelly and Stiles the trial of Burge alone took place first, Goudie being taken out of the dock at Gill's suggestion, so that when the moment came for him to give evidence he might enter the box from the body of the court and not from a position within range of Burge's powerful and indignant fist.

After Marks's clerk and Mr. Hudson had given evidence, Goudie was called to tell his story of his relations with Burge, Mances and Marks. He explained that he had commenced to bet with Marks because he was afraid that Mances knew too much about him and would expose him to the bank authorities, but he made it clear that Burge's name was never mentioned and that, until he saw him in custody, he had no notion that he was involved in the transactions. Avory's cross-examination yielded little profit : once he had pleaded guilty, Goudie had no motive for concealing anything and indeed every inducement to make a clean breast of the whole matter.

After other witnesses had been called for the prosecution, Burge himself gave evidence, the theme of which was that he never had any idea that anything was wrong, that he merely

thought that Marks was betting with a wealthy man, and that he had no cause to suspect that the cheques were forged or the money stolen. But, as Gill was able to show in cross-examination, this ingenious story left unexplained too many incidents that called for explanation, notably the reason why the largest share of the proceeds had come into Burge's hands.

In spite of an able speech by Avory the jury, having been directed in the summing-up that the question was whether or not they believed Burge to have been one of the gang, took no more than five minutes to answer affirmatively. The judge then postponed sentence until after the trial of Kelly and Stiles.

But during the later stages of Burge's trial Rufus Isaacs and Marshall Hall had been anxiously consulting together. If Burge were found guilty, it would mean that the jury had accepted Goudie's story as true ; and, if they accepted it in preference to Burge's version, the strong probability was that they would prefer it to any story put forward by Kelly and Stiles. Was not the best course in the interests of their clients to see whether the prosecution would allow them to withdraw their pleas of not guilty to one of the relatively minor counts and would agree not to proceed with the other charges ? By this means Kelly and Stiles could not be given longer sentences than two years' imprisonment with hard labour, whereas if they were tried and convicted on all the counts they could almost certainly expect a long term of penal servitude.

Gill was not averse from taking the proposed course. He felt himself faced with various technical difficulties in proving his case against Kelly and Stiles, and he also realized that, so far as they were concerned, there had been no question of the use of threats to, or pressure upon, Goudie, nor had it been at their suggestion that he first forged a cheque.

This line was accordingly decided upon and both men pleaded guilty to conspiracy with Goudie to defraud the bank ; and, after Gill had narrated the facts on this aspect of the case, Rufus Isaacs and Marshall Hall made speeches in mitigation on behalf of their respective clients, Rufus Isaacs in particular emphasizing Kelly's desire to make substantial restitution.

But although Burge, Kelly and Stiles were all in a position to hand back a large portion of the money obtained by them, Mr. Justice? Bigham was not to be mollified, especially after a sharp encounter with Marshall Hall, whom he had rebuked in the severest terms. He sentenced both Goudie and Burge to ten years' penal servitude and Kelly and Stiles each to two years' imprisonment with hard labour.

Although Kelly and Stiles had received the maximum sentence for the offence to which they had pleaded guilty, the tactics employed on their behalf had been amply justified by the difference between the sentences imposed on them and those awarded to Goudie and Burge.

When Rufus Isaacs had interviewed his client during the trial in order to explain to him the advantages of the course which it was proposed to adopt, Kelly had at once agreed and had also expressed his willingness to make restitution as far as lay in his power. Some portion of the money received by him had been invested in house property, but he was ready to surrender all this as well as the cash, if only he might be allowed to keep just one small house in which he had installed his dear old mother. Rufus Isaacs was considerably affected by this pathetic plea, which he duly pressed upon Gill, who was also somewhat moved and readily assented. Kelly was almost embarrassingly grateful. It transpired, however, some time after the case was over that credulity was not confined to Goudie, for belated inquiry revealed the fact that the "dear old mother" had bright golden hair and was some years younger than Kelly himself !

Rufus Isaacs could never be persuaded to take a proper view of the enormity of Kelly's conduct in thus deceiving him. He was far less outraged than amused.

Krause and the Liverpool Bank case had both brought to Rufus Isaacs much valuable public notice, but his ambitions did not centre on criminal cases. He was anxious to establish a footing in the Special Jury courts, where the more important civil actions were tried and the leading advocates of the day spent their time and energy in verbal combat.

He was therefore delighted to find himself in April of the same year (1902) retained by Lord Suffield, sportsman, courtier and close friend of King Edward VII, in an action for libel brought by him against that most pugnacious of publicists, Mr. Henry Labouchere, the proprietor of *Truth,* and his editor, Mr. Vowles.

The paper under their control had at that time made a well-deserved reputation for unmasking in its columns bogus companies and other concerns the activities of which it regarded as requiring publicity. Needless to say, this policy was attended by considerable risks, for those who were thus assailed found themselves driven to take action unless they were prepared to admit by their inaction that the allegations made against them were true. Since they could therefore be no worse off by taking proceedings than by abstaining, Mr. Labouchere's name made frequent appearances as a defendant in the list of Special Jury actions, a position which he greatly

enjoyed. As *Truth* was in the habit of making most careful investigation before committing its charges to print, Mr. Labouchere was not often in the position of having to pay damages. But occasionally the articles went too far and retribution followed.

Lord Suffield's action arose out of an attack in *Truth* on an institution named the Article Club, of which he had been President since 1898. The club was in close alliance with a paper called *Commerce,* and *Truth* came to the conclusion that it was in fact a "ramp" and only existed as an ingenious device for increasing the advertisement revenue of the paper. Having expressed this view in terms which admitted of no misunderstanding, it went on to add that the consultative council of the club served "the purpose of decoys by which the smaller birds are lured into the snare. . . . This remark applies more particularly to Lord Suffield, the President of the club."

The proceedings were enlivened by heated retorts from Lord Suffield in the course of his cross-examination by Sir Edward Clarke, who led on behalf of Mr. Labouchere ; but at the end of the plaintiff's case a settlement was reached by which the defendants denied any intention to make imputations upon Lord Suffield and he, being satisfied with the statement made by Sir Edward in open court, asked for no damages.

Though Rufus Isaacs continued to be occupied with heavy work, no other case of public interest fell to his lot before the coming of the eagerly awaited Long Vacation.

By this time he had abandoned his allegiance to Aix-les-Bains. During the years of the South African War the tide of feeling in favour of the Boers had run so high on the Continent as to make the atmosphere unpleasant for English visitors, and Rufus Isaacs and his wife had spent three slightly disconsolate summers at home.

But in August of 1902 peace had been signed and the clouds of antagonism had lifted.

Francis Oppenheimer, Rufus Isaacs' former pupil, had soon abandoned the profession of the law and after a spell as an artist in Paris had returned to Frankfurt-on-Main, where his father, Sir Charles, His Britannic Majesty's Consul-General for the South of Germany, owned a magnificent house in which he entertained all such English visitors as happened to be in or near Frankfurt.

Close to Frankfurt lay the pleasant spa of Bad Homburg, long since fallen'wholly out of fashion as far as English people are concerned but at that moment at the height of its fame as the chosen resort of the new King, Edward VII, and consequently of a number of his subjects as well, some firmly established within the

royal circle, others waiting hopefully for admission, others again resigned to contemplating majesty from afar. Now Francis Oppenheimer, who during his year as a pupil had formed a close friendship with Rufus Isaacs and his wife which lasted until their deaths, conceived the idea of luring them to Homburg, having the wisdom to see that for a man already on the way to a great position at the Bar and anxious to enter public life the social aspect can by no means be disregarded. The kindly and timely plot succeeded and was fully justified by its results. Not only were there here, as at Aix, many prominent members of his own profession, Mr. Justice and Lady Bigham, Lord Justice and Lady Vaughan-Williams, and the Lord Chancellor, Lord Halsbury, himself. There was Sir Edward Lawson, afterward the first Lord Burnham, of the *Daily Telegraph,* wise, genial and hospitable, a first acquaintance with whom at Homburg led to many delightful visits in subsequent years to his country house, Hall Barn, at Beaconsfield. There were also Lord Glenesk, proprietor of the *Morning Post,* who showed great kindness to Rufus Isaacs and his wife, and the first Sir George Lewis, without whose presence as solicitor to one party or the other no *cause celebre* of the day was complete. Hitherto he and Rufus Isaacs had only known each other professionally, but there now began between them a friendship, later extended to include Sir George's gifted wife and all the members of his family, which was among Rufus and Alice Isaacs' most cherished possessions.

It was Sir George who was instrumental in arranging for Rufus Isaacs to be presented to the King, an ordeal which could not be contemplated without some trepidation since the opportunity was most likely to occur early in the morning at the springs and etiquette still required the person presented to fall upon one knee and kiss the royal hand, a feat difficult to perform with dignity when carrying a large glass of water. It was, however, in due course successfully accomplished j the King took an instant liking to him and invited him and his wife frequently during the rest of their stay.

The days passed agreeably enough in taking the mild cure, playing golf on the minute local course, and lunching and dining with friends. One day when my father and I were on a remote part of the course we observed ahead of us a diminutive figure which, laying its hat and stick on the ground, took a little run and leaped over a small ditcli and then, turning round, leaped back again, picked up its belongings and marched jauntily off. "That," said my father, "was the Lord High Chancellor of Great Britain," who had apparently wished to assure himself that

although he was already in the seventies, his agility was unimpaired.

In October Rufus Isaacs was back again for the opening of a term which was to include two of his best-known and most dissimilar cases, the Hartopp divorce suit and the Taff Vale case, the trials of both of which proceeded for some days simultaneously and in both of which Sir Edward Clarke was also engaged.

The Hartopp case had no intrinsic importance. In its essentials it differed in no way from hundreds of other cases in which a husband petitioned the court for the dissolution of his marriage on the ground of his wife's adultery and the wife cross-petitioned on the ground of her husband's cruelty and adultery, both elements being in the then state of the law necessary for successful proceedings against a husband. But in 1902 it attracted immense attention, for the art of the gossip writer was still in its infancy and the publication in the Press of the full evidence in divorce suits had not yet been prohibited by law.

In the end a large amount of money was wasted and a great deal of fashionable dirty linen was washed in open court for the entertainment of that section of the public which apparently starves without its daily ration of the more scandalous activities of titled folk.

But viewed from the standpoint of forty years later it does possess features of interest as showing the change in convention wrought by the intervening period. It is difficult now to conceive of such incidents being solemnly advanced as evidence of a guilty passion between a man and a woman as the fact that they called each other by their Christian names, that he dined on a few occasions alone with her, that he helped her with the hanging of pictures and even took off his coat in the process, and that—most sinister feature of all!—each possessed a telephone in the home instead of using the communal instrument in the village post office.

But the early Edwardians were great sticklers for outward convention.

Sir Charles Hartopp, an agreeable, gay and impecunious baronet addicted to racing, had married in 1895 a daughter of Mr. Charles Wilson, M.P., when he was thirty-seven and she twenty-two. Their married life had not been without incident. In very early days the bailiffs had invaded their house, and in 1896 Sir Charles had endeavoured to enlist her aid in obtaining from her father a sum of £1000 urgently required to settle the claims of a discarded mistress. But they continued to live uneasily together till 1900, when, on Sir Charles accusing her of undue familiarity with a kinsman, she indignantly left him.

She was now free to lead the kind of life which most appealed to her, for her passion was hunting, a pursuit which her husband had firmly discouraged since it entailed living in the country and thereby abandoning his clubs, his race meetings and all the amusements of London which contributed to his pleasantly futile existence.

She soon met in the hunting field her third cousin, Lord Cowley, who had been divorced by his wife some few years before, and with his assistance she found and took Gaddesby Hall in Leicestershire, close to his home at Baggrave Hall.

From this time onward she had undoubtedly seen a great deal of him and in what the judge at the trial described as "the jolly state of sporting good-fellowship" in which "Christian names and nicknames were flying about like brickbats among peers and commoners," they had reached a stage of considerable intimacy.

Sir Charles and his advisers thought that, although there was naturally no direct evidence of their having committed adultery, the cumulative effect of the surrounding circumstances pointed to no other possible conclusion. He therefore instituted proceedings against his wife, citing Lord Cowley as co-respondent, and the question whether or not Lady Hartopp and Lord Cowley had committed adultery remained the sole issue until eleven days before the hearing, when as the outcome of much diligent and costly research she suddenly amended her answer and launched a counter-attack, alleging that Sir Charles had treated her with physical cruelty and had himself habitually committed adultery with a Mrs. Sands, described by Sir Edward Clarke, one of Lady Hartopp's counsel at the trial, as "a very beautiful woman who was living apart from her husband, and who was known to be accessible to gentlemen who were prepared to pay somewhat heavily for her favours."

On November 27, 1902, battle was joined before Mr. Justice Gorell-Barnes. A galaxy of impressive and expensive figures crowded the front row, Lawson Walton and Duke (afterward Lord Merrivale and President of the Probate, Divorce and Admiralty Division) for Sir Charles, Inderwick and Sir Edward Clarke for Lady Hartopp, Bargrave-Deane (afterward a judge in the same division) and Gill for Lord Cowley, with an appropriate array of juniors behind them. Rufus Isaacs, who had been retained on behalf of Mrs. Sands, was not yet in a position to take part, since his client had not at that stage applied for and received permission to intervene.

Lawson Walton opened, making the most of the various incidents relied upon as showing such affectionate intimacy between Lady

IN THE COURT OF APPEAL.

MR. AND MRS. RUFUS ISAACS AT FOX HILL, READING, 1907

Hartopp and Lord Cowley as, when allied to opportunity, to lead inevitably to the inference of their guilt, and stressing in particular an occasion in 1901 when Lady Hartopp had suggested that her husband should let her divorce him in return for a solatium of £20,000.

Sir Charles then gave evidence shortly as to his married life and was severely cross-examined by Inderwick. He did not make a very favourable impression, but his case really depended not on his own evidence but on that of a series of witnesses, indoor servants, a stable hand, the parish constable and a detective, who followed with accounts of happenings at Gaddesby Hall.

All spoke as to intimacy but only one gave a hint at a more guilty relationship—a housemaid who said that she had taken a telegram for Lord Cowley to Lady Hartopp's boudoir and, after having knocked, had heard a scuffle and on the door being opened "Lord Cowley was fastening his clothes and was excited and forgot himself." This was more promising material, but in answer to a question by the judge it transpired that the article of clothing was only his waistcoat.

Sir Edward Clarke's opening address was a far more animated affair. He asserted that the charges against his client were solely based upon Lord Cowley's bad character and invited the jury's consideration of Sir Charles's own character and antecedents, which he then proceeded to paint in the blackest tones, also specifying the countercharges made by Lady Hartopp.

After Bargrave-Deane had in his turn exhorted the jury on behalf of the co-respondent, Lady Hartopp entered the witness box and the elegant Mayfair-cum-Melton audience settled down to enjoy itself.

She certainly gave a fine performance, standing up to the censorious severity of Lawson Walton's cross-examination with so dexterous a blend of dignity and spirit that her father's intervention on her behalf seemed as unnecessary as it was irregular. The court had adjourned before Lawson Walton had finished and on the following morning, when the sitting was resumed, Mr. Charles Wilson saw fit to rise in his place and ask the judge that some protection should be extended to his daughter from the ' 'studied insolence" of the previous day's cross-examination. He feared that her health might give way if she had to endure any repetition of it. "It is sufficient degradation," he added, "for her to be tied to that lying brute." This was a glaring contempt of court but the judge, anxious not to raise the temperature, dealt leniently with the interrupter, saying that he would see that nothing improper was done and that Lady Hartopp's counsel

were well able to protect her. At this point one of the servants, who had said in her evidence on behalf of the petitioner that she did not think that on a certain occasion Lady Hartopp and Lord Cowley were behaving properly, was recalled at the request of the jury and pressed by the foreman as to what exactly she had seen to satisfy her of their improper behaviour. But she would not say more than that she had seen nothing wrong.

Lord Cowley was then called and was followed by the agent at Gaddesby Hall and by a procession of noble names whose owners all testified to having seen no sign of familiarity between Lady Hartopp and Lord Cowley.

The remaining evidence on behalf of Lady Hartopp was directed to establishing the countercharges against Mrs. Sands, who had by now been given leave to intervene, so that the later witnesses had to suffer the double ordeal of cross-examination first by Lawson Walton and then by Rufus Isaacs, under which they provided a somewhat sorry exhibition.

The first was a Mrs. Taylor who had been in Mrs, Sands' service in 1898 and spoke of Sir Charles's visits to her former mistress at various addresses, adding that on one occasion Mrs. Sands had said to her about him : "He is no good ; he has no money. It is money I want."

Under cross-examination by Lawson Walton she denied that she had been active in trying to collect evidence against Sir Charles and Mrs. Sands. She had heard of a photograph of a coach taken at the Derby and had made some inquiries as to its whereabouts.

To Lawson Walton's question : "You only wanted the photograph to increase your art collection, I suppose, and not for the purpose of identifying Sir Charles ?" she answered ingenuously: "Yes, that is all."

She also denied having offered money around to anyone who would give evidence on the required lines.

Now Lawson Walton had in his possession a letter written to a Miss Wilson and signed with the witness's name which he had every reason to think her handiwork.

DEAR MISS WILSON [it read]. Trusting tlris will find you all well. Dear Miss W. will you kindly let me know by return of post if you can remember if Sir Charles Hartopp went to the Derby with Mrs. S. and Miss Clare from Glouster Terres the time Mrs. S. was so ill that time or if you can tell me if he went anywhere with them and all you know about him, Sir Charles Hartopp I mean, if you will be so kind I will make it well worth while nothing to do with Mrs. S. watever I have not seen her for a long time. Trusting to hear from you by return of post I remain in haste, Yours sincerely, A. S. TAYLOR. Will write all next time.

Confronted by this embarrassing document Mrs. Taylor boldly denied its authorship, though she had already admitted having written a letter to Miss Wilson. Thereupon at Lawson Walton's request she wrote down at his dictation certain phrases occurring in the letter in which words had been misspelt, reproducing in each case the eccentric orthography of the original, so that though she continued stoutly to maintain that she had not written it, no one could possibly believe her.

This was a most valuable incident, for, if the jury did not believe the person who had taken a leading part in collecting evidence, they were not very likely to place much faith in the evidence which she had collected.

After an interval for recovery from a timely attack of faintness she faced Rufus Isaacs and had soon agreed with him that her memory was not good but that she had relied entirely upon it, in fixing the dates given in her evidence.

More of Mrs. Sands' former servants were then called, to be succeeded by a selection of cab drivers prepared to swear that they had on various occasions driven Sir Charles and Mrs. Sands to such places as Prince's, Romano's and the Cafe Royal, though it was noticeable that no porter or waiter was called from any one of these restaurants to confirm the fact of their presence.

Sir Charles was then recalled and denied ever having visited Mrs. Sands. He had been introduced to her at the Savoy in 1897 by a mutual friend and since then had only spoken to her once or twice in public places.

More evidence on behalf of Sir Charles followed, including that of the Duke of Devonshire, whose not very helpful contribution was limited to saying that when the Hartopps had stayed with him at Chatsworth he had not observed Sir Charles to be unkind to his wife, and of Sir George Lewis, who said that Sir Charles had not been able to give him Mrs. Sands' address.

Further witnesses formerly employed by Mrs. Sands were then called, this time on behalf of Sir Charles, to say that ex-Inspector Conquest, who was endeavouring to secure evidence for Lady Hartopp, had offered them substantial sums of money to identify a photograph of Sir Charles as that of a man who visited Mrs. Sands. Next, amid a ripple of excited whispering, came Mrs. Sands herself, who in answer to Rufus Isaacs denied in a firm, clear voice that she had ever been guilty of any impropriety with Sir Charles.- Nor was she shaken by Inderwick's cross-examination, stoutly asserting that the witnesses against her were lying and answering his final barbed question : "Do you say that you have

been living a perfectly quiet and respectable life ?" with the frank and simple reply : "No, I do not say that."

The remaining evidence consisted of two solicitors and ex-Inspector Conquest, and was mainly directed to proving that witnesses had not been procured by offers of money, but Conquest in particular did not emerge with great credit from cross-examination.

According to established procedure it was now Rufus Isaacs' task to be the first to make a closing speech to the jury, and he took full advantage of the good impression made by his client.

One of his greatest virtues as an advocate was that he never overstated his case. Here he began by pointing out that his client had come forward and not posed—for indeed she was not entitled to pose—as a woman of irreproachable character, but that it was nevertheless material that she should not be taken to be the abandoned woman which at one stage of the case she had been painted to be. There was an obvious reason why she had been singled out. Was it perhaps thought that she would not venture into the witness box, or that she would not have the advantage of legal assistance ? If so, it had been wrongly thought. She had voluntarily come into the witness box, for she knew that not only was she herself wrongly accused but that another person was falsely accused as well. The charges against her had only been put on record eleven days before the trial opened and were of the vaguest possible description. He suggested that Mrs. Taylor had committed perjury but that the others were only mistaken, though he would go so far as to say that the working of their minds had been lubricated, "for even the scent of money in the air renders some people's consciences more elastic." The jury had seen Mrs. Sands in the box ; they saw an educated woman, a lady in appearance and manner, and it was to be regretted that against her anything could be said. A history and a past were great deterrents for keeping persons from the witness box, because they feared the raking up. She had a history and a past, but it had not kept her from the box. Every effort had been made to prevent her, but she went, hard as it must have been for her with the knowledge of the sins she had committed. She had given her denial of guilt with Sir Charles and the mere fact that she had not for a time been leading a proper life did not disentitle her to be believed. At the close of this speech applause broke out in court but was sharply suppressed by the judge.

The other counsel followed and it was not till December 16, three weeks after it had opened, that the trial finally closed with the judge's summing-up and the jury's verdict after three and a

quarter hours' deliberation that none of the parties had committed adultery and that Sir Charles had not been cruel to his wife.

As a drama of high life the case had scarcely been elevating, but the intervention of Rufus Isaacs' client had at least been fully vindicated and he was now free to give his undivided attention to the other court in which he was engaged.

It is some tribute to the variety of his practice and the versatility of his talents that he should have been briefed in two such wholly dissimilar actions as Hartopp *v.* Hartopp and the Taff Vale Railway Company *v.* the Amalgamated Society of Railway Servants.

By the end of 1902 the Taff Vale case had already made a considerable amount of legal history, though Rufus Isaacs was not engaged in the earlier stages. It arose out of the replacement by the Railway Company of a particular signalman who had taken a prominent part in other litigation. The men regarded this action as an instance of victimization and at midnight on August 19 1229 men went out on strike, of whom 565 had given the fortnight's notice required by their contracts of service with the company, 400 had given only one week's notice and the remainder no notice at all.

The executive of the union had not at first countenanced this hot-headed line of action but had subsequently endorsed it by deciding to take up the men's case; and Richard Bell, M.P. for Derby and general secretary of the union, had been on the scene from the outset, according to his own and the union's version as a peace-maker but according to the company's view as the organizer of an extensive and successful scheme of picketing.

The strike lasted for eleven days before a settlement was reached, and the Railway Company had only succeeded in keeping a skeleton service running by the introduction of what the strikers called "black leg" labour supplied by the National Free Labour Association. These men had been exposed to such violence and intimidation that the company applied to the courts for an injunction to restrain the union, Richard Bell and James Holmes, the local secretary, "from watching or besetting, or causing to be watched or beset, the Great Western Railway Station at Cardiff or the places of residence, or any place where the} may happen to be, of any workmen employed by or proposing to work for the company, or for any purpose except merely to obtain or communicate information."

In reply to this move the union advanced the contention, based upon the Trade Union Acts of 1871 and 1876, that proceedings would not lie against the union as such for the wrongful acts

of its officials, since it had no corporate existence in the eyes of the law. A point of immense importance to all employers and workpeople thus emerged, and it was with consternation that the unions in general and their members received Mr. Justice Farwell's decision that the immunity which they had believed themselves to possess did not exist. He held that in the absence of any contrary intention expressed in the relevant statutes the legislature must be taken to have intended that the creature of the statute shall have the same duties, and that its funds shall be subject to the same liabilities, as the general law would impose on a private individual doing the same thing.

This decision, fraught as it was with imminent peril to the accumulated funds of every union, could not be accepted without a further struggle j and, although the question of the injunction had by lapse of time became academic in regard to the long-since terminated Taff Vale strike, it was taken as a test case to the Court of Appeal.

There the unions were victorious, the judgment of the court taking the opposite view to Mr. Justice Farwell and holding that the legislature knew quite well how to incorporate a society, if it wished, and that if it had not expressly exercised its powers in that respect, it must be taken purposely to have refrained from so doing.

But the union's triumph was short-lived, for the House of Lords, reversing the Court of Appeal, unanimously approved Mr. Justice Farwell's view, and the union found itself under the necessity of contesting a claim for damages for the loss caused to the company by the strike, which, if successful, would obviously entail so severe an inroad upon its funds as to cripple its activities for years to come.

Up to this point the union and Bell had been represented by 11. B. Haldane, K.C. (later Viscount Haldane and Lord Chancellor), but in the action for damages, which would be tried before a jury, his place was taken by Rufus Isaacs, while Sir Edward Clarke, K.C, Francis-Williams, K.C, and Eldon Bankes, K.C, represented the company, and Abel Thomas, K.C, led for Holmes. The trial commenced on December 2, 1902, before Mr. Justice Wills and lasted till the twentieth of the month, a considerable volume of evidence being called on behalf of the company to show the methods employed by Bell and his associates.

Rufus Isaacs had only two points of substance, the first, that the strike had already begun before the union intervened, the second, that the terms of settlement between the company and the strikers had provided that the company would not take legal

proceedings against them after the strike was at an end and that an agreement with the individual strikers to that effect was equivalent to an agreement with their union.

The first proposition was summarily disposed of by the judge, who held that it was absurd to contend that a man was not responsible for helping another to do wrong and inflict damage on third parties because that other had started his wrong-doing before he was sure of support.

The second was the subject of lengthy argument between Rufus Isaacs and Eldon Bankes, whose view finally prevailed with the judge that, since the union had not been a party to the settlement, it could not rely upon the terms of the settlement for its own protection.

The jury having found for the company on all the questions left to them, the assessment of damages was left by consent to the judge, who fixed them at £23,000.

These figures only served to confirm the fears which the decision of the House of Lords had already inspired. The strike and the subsequent litigation had cost the Railway Servants' Society not less than £50,000, and with this example before them other unions dared not embark upon even the most amply justified strike as long as the law remained unaltered. But their whole position was so completely undermined by this state of affairs that before long a vigorous movement was launched for the introduction of legislation to nullify the effects of the Taff Vale judgments. The Conservative Government remained unresponsive, but the agitation continued with undiminished force under the General Election of 1906, at which this question of the position of the trade unions was one of the most vital issues and contributed largely to the sweeping Liberal gains. Moreover, the recently formed Labour Party, which previous to the Taff Vale decision had failed to make any notable progress, now found itself a growing power in politics and was able at the Election to secure the return of twenty-nine of its fifty candidates.

In the end the unions achieved by the Trade Disputes Act, 1906, the object of their strenuous campaign, in the course of which Rufus Isaacs, going down in 1904 to address Liberal meetings in South Wales, had found his carriage being dragged round the country by relays of enthusiastic trade unionists, an experience rarely accorded to Liberal Members of Parliament in more recent times.

The year 1905 was on the whole one of consolidation of the position gained rather than of further advance ; though his days and much of his nights were fully occupied, it was marked by few cases of outstanding public interest. Apart from a brief

appearance on behalf of the eccentric and loquacious "Lord" George Sanger of circus fame and a protracted, unsavoury and sensational case in the divorce court concerning the custody of a child, his most noteworthy case was the action, tried in November before the Lord Chief Justice and a special jury, in which Dr. Bayliss, Assistant Professor of Physiology at University College, London, sued for damages for libel and slander the Hon. Stephen Coleridge, son of a former Lord Chief Justice and honorary secretary of the Antivivisection Society. Mr. Coleridge had on May 1 of the same year addressed a meeting at the St. James's Hall on his favourite topic ; and in the course of his speech, which was duly reported in the Press, he had read what he described as "the written statement of an eyewitness of what went on in the University College of London, every syllable of which statement had been confirmed by another eyewitness present at the same time and place."

The authoress of the statement proved to be a young Swedish lady, Miss Lind af-Hageby, daughter of a former Chief Justice of Sweden, who afterward became well known in England for her antivivisectionist activities, while her companion was a Miss Schartan, daughter of a General Staff officer of the Swedish Army. They had both been educated in England and had then gone to Paris, where they had acquired such a horror of vivisection that on their return to Sweden they had founded a society, of which they were joint honorary secretaries, for its suppression. In February, 1903, they were in England for the purpose of studying methods of teaching physiology here, and on the second of the month they first attended one of Dr. Bayliss's lectures. The statement publicly read by Mr. Coleridge contained a graphic and gruesome account of the sights and sounds observed by them on this occasion, with special reference to an experiment conducted upon a brown dog, which was said to have been muzzled so tightly as to be deprived of every power to give audible expression to its pain but to have struggled forcibly during the whole operation.

Miss af-Hageby's statement concluded :

> No anaesthetic had been administered in my presence and the lecturer said nothing about any attempt to anaesthetize the animal having been made. When an anaesthetic has been given, good care is generally taken to tell the audience about it, and as a rule the anaesthesia must be kept up by repeated administrations of the anaesthetic used. Nothing of the kind was done here, and the violent and purposeful struggles of the dog indicated complete consciousness. ... Is not this enough to make the blood run cold? If this is not torture, let Mr. Bayliss and his friends Lord Lister and Sir Victor Hoisloy tell us, in Heaven's name, what torture is.

The publication of this speech caused great concern to the medical profession in general and to Dr. Bayliss in particular, who wrote to Mr. Coleridge categorically denying the allegations against him and asking for their withdrawal and an apology, which were refused. He thereupon commenced the action, in which he was represented by Rufus Isaacs and Mr. Coleridge by Lawson Walton. The gravity of the accusation against Dr. Bayliss lay in the charge that he had performed a cutting operation upon an animal which was not anaesthetized and by implication had thereby committed a criminal offence under the Cruelty to Animals Act of 1876.

The plaintiff and his assistant and the laboratory attendant all gave evidence that the dog was completely anaesthetized, and his case was supported not only by a number of students who had been present at the lecture but also by Sir Victor Horsley and a series of gentlemen of high medical or veterinary qualifications, so that Lawson Walton had a difficult task in urging the defence of fair comment. Realizing the obstacles in his path, he endeavoured skilfully to divert the jury's attention to the question whether the operation had been necessary for the due instruction of the students, but he was sharply recalled by the Lord Chief Justice to consideration of the real question at issue, whether the experiment was done in a cruel way.

Miss af-Hageby then gave evidence but soon showed herself so fanatical in her views on vivisection as to cast doubts upon her capacity to "express an unbiased opinion upon any topic even remotely connected with it."

Rufus Isaacs elicited from her that she had written a book entitled *Shambles of Science,* the first chapter in which, headed "Fun," referred to the incidents recorded in her statement.

In reply to his questions she said that she thought it fair to describe the incidents under that heading and added that the howling and snarling of dogs in pain seemed to cause hilarity at University College.

But she was obliged to admit that she had made no protest or complaint to Dr. Bayliss at the time and that she had not taken the trouble to communicate her story to Mr. Coleridge until two months later ; and, when she went so far in conflict with the evidence for the plaintiff as to say that in her view tracheotomy was not performed in the course of the experiment, Rufus Isaacs informed her pointedly that he would ask her no more questions.

Miss Schartan and two medical gentlemen followed and then came Mr. Coleridge, who did not have the smoothest of passages and was in particular difficulty in explaining why lie had made no

further attempt at verification and especially why he had never approached Dr. Bayliss before making his speech.

In the end, after final speeches and a summing-up distinctly favourable to the plaintiff, the jury required no more than twenty minutes to decide upon a verdict for Dr. Bayliss with damages £2000, a result which was acclaimed with loud applause.

The year saw also the reversal by the Court of Appeal of the judgment of Mr. Justice Bigham in favour of Rufus Isaacs' clients, the South Wales Miners' Federation, in an important action brought by the Glamorgan Coal Company and seventy-three other firms and companies owning collieries in South Wales against the trade union and certain of its officials for having procured a number of workmen to break their contracts of service by observing certain "stop-days" not authorized by the employers. Rufus Tsaacs had succeeded in persuading the judge that his clients in taking the action which they had admittedly taken had been acting in the performance of a duty and in pursuance of a right, and that they had had good cause for what they did.

But the majority of the Court of Appeal preferred Sir Edward Clarke's argument that there had been no sufficient justification for their conduct, with the result that after numerous hearings the damages to be paid by the federation were finally assessed at the formidable total of £57,562 4s. 4d.

By this time Rufus Isaacs had largely perfected the routine of life and the methods of advocacy which he was to pursue for the remainder of his career at the Bar.

He had after his first five years as a King's Counsel already more than doubled the figure of £7000 which represented his earnings in his last and best year at the junior Bar, and his income was steadily increasing.

At times when the volume of substantial work in the law courts appears to be on the decline, explanations of the falling-off are apt to centre about the cost of litigation with special reference to the large fees exacted by the fashionable counsel of the moment. It is urged that their rapacity is strangling litigation and that their colleagues have to suffer in order that they may amass incomes out of all true proportion to the value of their services. But in a profession where competition is so severe no man can attain a position in which he is able to demand a high price for his services unless his capabilities are such as to justify it. Moreover, it is frequently forgotten that the years of a successful advocate's life in full practice are necessarily limited and that there is no pension awaiting him on retirement, while there can be few other walks of life in which ultimate promotion often entails a heavy financial sacrifice.

It must also be remembered that the small group who are able to command the heaviest fees work at immense pressure, that in their own and their clients' interests they must set some limit to their labours, and that the most obvious method of regulating the flow of work, which if unchecked would soon prove overwhelming, is to lay down a minimum figure below which no brief will be accepted

It cannot be denied that from this time onward Rufus Isaacs was asking and receiving fees on a scale hitherto unknown, but this policy was forced upon him in an attempt at self-preservation ; for, although he had been driven to taking silk by the desire to reduce the pressure of work in the interests of his health, the only effect had been greatly to increase it

Each time he put up his fees his clerks trembled at his audacity, but the mounting figures wholly failed to discourage the crowd of clients that besieged his door.

He himself was gratified but genuinely puzzled by the insistence of litigants upon briefing him in preference to many of his rivals. Carson was in office as Solicitor-General, and it was not until after the overthrow of the Conservative Government in 1906 and his consequent return to private practice that his greatest forensic battles with Rufus Isaacs were waged. But there were Sir Edward Clarke, most accomplished advocate of his day ; Lawson Walton, painstaking, solid and wise, always formidable opponent ; Eldon Bankes, calm and effective ; Montague Lush, as vitriolic an advocate as he was later gentle a judge ; Danckwert, erudite and irascible ; and Henry Duke, dignihed and solemn, seeming to enfold his client within the mantle of his own impregnable respectability.

Though Rufus Isaacs now belonged by right to the fellowship of these Olympians, he was wholly unspoiled. His attitude to his less successful colleagueb never changed, and he preserved always an unassumed and unassuming modesty which was one of the main causes of his popularity with both Bench and Bar.

Master Valentine Ball, one of the Masters of the King's Bench Division, writes to me :

In about the year 1902 the Hardwicke Society [an old-established legal debating society] were considering who should be the principal guest at their annual dinner. A leader of the profession was always chosen. I, as Secretary, was deputed to approach "Rufus"—for that is the name by which all who knew him in those days will always remember him. He was then at the zenith of his forensic career. I found him at a long table stacked with briefs and told him what we wanted. "Well," he

said, "there's nothing I should like better. But I don't think it would do. I know what you and your committee think"—he glanced at the loaded table—"that I have been successful and all that. But there are men in the Temple senior to me who miglit feel a little hurt. Come again five years hence and I shall be delighted." I shall never forget that brief interview. His attitude was that of a man who could never be spoilt by success, and he never was.

There can be few more exacting lives than that of a great advocate at the height of his practice. He must be capable of working incredibly long hours for months on end, must always be at concert pitch, and must consequently possess the most robust of constitutions.

With this last gift Rufus Isaacs was happily endowed. In one of his rare after-dinner epigrams lie laid down the maxim that "the Bar is never a bed of roses. It is either all bed and no roses or all roses and no bed." From an early stage it was his own destiny to forgo bed in favour of roses and he was fortunate in being physically able to make the sacrifice without undue strain. He was perfectly refreshed by five hours' sleep, and even these hours were not wasted. Some subconscious faculty was at work while he slept and he would awake to find a complete set of facts, the proper arrangement of which had given him much thought on the previous night, neatly sorted and pigeon-holed in his mind on the following morning. Moreover, however tired he might be, the blessed gift of sleep never forsook him. He had the comfortable knowledge that, as soon as his head was on the pillow, he would fall asleep and not move till the moment came to get up again. He would sometimes say jokingly at breakfast : "I had a bad night ; I woke p/' but though lie might say it in jest he did genuinely feel that he had a grievance if his sleep was even once interrupted. Nor was it only during the night that he could sleep but at almost any moment of the day in any place and for any given time. When he was at the height of his practice, it was his habit on returning to chambers after the rising of the court in the afternoon to have a hurried cup of tea and then settle himself in an arm-chair to sleep for a quarter of an hour. At the end of that time he would wake automatically and embark upon a series of consultations alert and refreshed.

Probably this capacity for sleep saved him. It certainly illustrates the power of control that he was able to exercise over his brain. Few men with their minds charged with the facts of several cases and their nerves taut after the daily excitement of the courts could thus at will have dropped a curtain over all their preoccupations for a specified length of time and then resumed

their work without an instant's pause to collect and rearrange their thoughts.

It may be that here again his sailor days were a godsend to him, for he was not only able to sleep in a bed or in an arm-chair but in a train or a car or indeed in almost any place or position, however uncomfortable, that presented itself.

In the course of one of his most voluminous and complicated cases, Wyler *v.* Lewis, when Friday night came and the hearing was adjourned until the following Monday, he suggested to his friend and ' 'devil" Branson, who was associated with him in the action, that they were both so exhausted that, although they had to work during the week-end, it would do them good to go down to Brighton and study their briefs in a different atmosphere. They duly arrived at a hotel, took a sitting-room and ordered lunch to be served in it. At the end of lunch they got out their papers and prepared to work for the afternoon as soon as the waiter had cleared away. But before that moment came Rufus Isaacs had dropped off to sleep. Almost immediately Branson followed his example, awaking with a guilty start to find to his vast relief that not only was his leader still sleeping but that the waiter was still in the room, so that he could only have dozed for a few minutes. But suddenly something struck him as strange, for he observed that the waiter was no longer clearing away lunch but laying dinner ! They had slept in their chairs without moving for five hours.

In later years when Rufus Isaacs was Attorney-General, Francis Oppenheimer went one day to meet him at the House of Commons and drive home with him in order to talk over some matter on the way. No sooner were they in the car than Rufus Isaacs fell asleep, only waking as the car drew up at the front door.

'T see," said his old pupil, "that you can still sleep at any time and anywhere."

"Yes," said the Attorney-General, "and many people consider that to be my best qualification for the Bench !"

The length of the vacations enjoyed by members of the Bar is often criticized, but no one who has seen at close quarters the daily life of a leading advocate can doubt the absolute necessity for substantial respites from toil, if he is not to collapse under the weight of sheer mental and physical fatigue.

That Rufus Isaacs was able to continue to work at high pressure for so many years—and even at the close of his life no man ever more summarily rejected any thought of voluntary retirement—was largely due to the ample holidays provided by the profession of the law and the use to which he put them.

For lie was blessed by Nature with an amazing power of rapid recuperation aided by his faculty for sleep. When the courts rose, he would appear to be almost at his last gasp. His face, never highly coloured, would be the ivory white of old parchment ; his eyes would be sunken and encircled with black rings ; his shoulders would stoop ; even his voice would be hoarse and toneless. In forty-eight hours he would have shed twenty years. Sun-burned, bright-eyed, upright, gay and active, he was almost unrecognizably transformed, and by the end of a week he would be cheerfully complaining that his son was so much older than himself that he had no one with whom to get into mischief.

For this startling rejuvenation he had to thank his almost unlimited capacity, so rare among hard-working men, for suddenly and for a prolonged period doing absolutely nothing at all. Both mind and body were so perfectly under control that he could switch the engine off and drift idly for days on end as soon as the opportunity offered.

He required no form of amusement to distract his mind from its recent responsibilities and labours. The change from hectic activity to placid passivity was effortless and immediate and continued until he felt his mental and physical batteries to be sufficiently recharged. He never made the mistake of plunging into violent physical exercise as soon as he was free from the enforced confinement of his working life. If the weather allowed, he would sit for hours in the hottest sun, hatless and content, until he was surprised and slightly aggrieved to find that the skin of his face had become scorched and painful in the process. If the weather was bad, he would sit indoors paying casual attention to a novel. In either case the bulk of the day would be dedicated to making up arrears of sleep. This result might have been best achieved by staying for a day or two in bed, but he detested the experience so heartily on the rare occasions when he was compelled to endure it that he would never submit to it voluntarily ; he would always come down to breakfast, however late, rather than have it in his own room.

In spite of the pressure upon him when the courts were sitting he had struggled jealously to make time to walk on fine mornings at least some part of the way from Palace Court through Kensington Gardens, but as his practice increased he could no longer spare even a few minutes for exercise. The journey from Bayswater to the Temple already occupied every available moment. He and his wife therefore decided to move farther toward the centre of London and in 1905 took 52 (now 96) Park Lane, one of the still surviving crescent of Georgian houses facing Grosvenor

Gate. Notwithstanding the opulence of the address, a factor which caused them some hesitation before deciding upon it, it was a small house with only just adequate room for their needs but with a lovely view over Hyde Park ; and here they were to remain until driven out by the sound and smell of motor buses in 1910.

There was on the ground floor only a pleasant dining-room, painted white and with crimson hangings. The first floor was entirely taken up by a long, narrow drawing-room in pale green and gold, and on the next floor were the two main bedrooms and bathroom. My room was on the third floor and next to it was a small room designed as a second bedroom but used by my father as his study, though the space was very cramped.

In the latter years of their occupation of the house I was at Oxford and I fear that there were times during vacations when, on mounting to my room at an early hour of the morning on my return from a party, I encountered on the staircase my father on his way to start work. He always behaved perfectly on such occasions, and after the exchange of a few impersonal remarks we withdrew to our respective sanctums. By common consent no reference was made at breakfast to our earlier meeting and his "Good morning" carried no hint of recollection or reproach.

Although it imposed a considerable tax upon her strength, Mrs. Isaacs adored a move. She had a natural good taste in decoration and in the arrangement of rooms, and her husband was only too glad to leave everything in her capable hands. She had by this time developed a zest for antique shops and, though she had at first no knowledge to guide her, she soon proved that she possessed a real "flair" for distinguishing between genuine and fake ; she succeeded in collecting for the adornment of her new drawing-room a number of good pieces of the then fashionable eighteenth-century satinwood and of old Chelsea porcelain. The new house was thus a huge delight to them both, to Rufus Isaacs partly because of its greater accessibility and pleasanter situation but chiefly because of the fresh interest it gave to his wife, and to her because it gave her an opportunity to display for his benefit those talents which she most enjoyed using. Every aspect of her house was a matter of concern to her and nothing was too unimportant to escape her attention.

Given better health, she would have liked nothing better than to entertain frequently. The ordering of the dinner, the selection and arranging of the flowers, the regulation of every detail of the proceedings gave her deep satisfaction, and she was among the first to adopt the fashion that every accessory in a room down to pens and blotting paper, should match the prevailing tone.

But unfortunately she was so much of an invalid as to be able to undertake only very occasional dinners at home, and for her to dine out was a first-class event. She was, however, insistent that her husband's life should not be circumscribed by her infirmities. She constantly urged him to accept as many as possible of the numerous invitations that now began to arrive, holding that it was essential for his career that he should meet as many people as possible and that to go out in the evenings afforded valuable distraction from his work. There is no doubt that her self-sacrifice was right. He was by temperament a social being with all the qualities that made for popularity among his fellows and he frankly enjoyed his success. Had he schooled himself to remain quietly at home night after night, not only his outlook upon life but his whole character would have missed precious opportunities for consolidation and expansion, and many of the limitations imposed upon him by his miscellaneous and sporadic education would never have been overcome. Her view anyhow prevailed in this as in most other fields of their domestic life, not entirely because he gave way to her wishes but because he was only too thankful to have his mind made up for him. Swift and sure as was his power of decision in his work and in the major crises of his life, in small things he was hopelessly undecided and would haver endlessly about the most insignificant problem until she firmly took the matter out of his hands.

But he was neither unconscious nor unappreciative of the selfless motives which led her to urge him out ; she was a poor sleeper and was almost always awake on his return, and it was his cherished habit to come in and tell her all that had happened so that she might enjoy his evening at least at second hand.

It was a constant grief to him that she was thus cut off from sharing so much of his life ; but, however sad she may have been at heart to be thus compulsorily excluded from the field in which she might not only have been of the greatest help to him but might have most fully shared in his upward progress, she accepted the long, lonely evenings without a word of self-pity or complaint. She had her own resources ; she was an indefatigable letter writer, she read innumerable novels of varying type and quality and she was engrossed in many friendships, among which the newly acquired blended happily with, but never ousted, the old-established—indeed her closest friend to the end of her life was a neighbour and schoolfellow of her girlhood.

Even when forced to remain for long periods in bed, she was never idle and rarely introspective, for her mind was cast in a practical and not in a speculative mould. She had been brought

up in the Jewish faith but on liberal lines ; though the family attended the Reformed Synagogue on high fasts and festivals, religious observance played little part in her home and after her marriage she adapted herself readily enough to her husband's detachment. Nor did she ever turn in quest of support and comfort to experimenting with any of those ephemeral cults that are designed to make special appeal to sick and lonely women : her courage forbade her to seek refuge in any mental anaesthetic.

So much of this phase of her life was spent indoors that her husband was overjoyed when his increasing means enabled him to instal her in this new house with all that it involved of the excitement of choosing paints and carpets and curtains and acquiring new furniture suited to the Georgian rooms. But she was a shrewd manager, and the unexpected rise in their income never led her into decorative extravagance, just as it never seduced him from his essentially simple tastes.

The years of their married life had already witnessed many unexpected changes, but their mutual happiness and trust had been singularly free from even the most minor and casual domestic explosions.

Though she was almost always at least a semi-invalid and he was habitually overworked, the nervous strain which their respective states imposed upon each of them never found relaxation in bickerings or reproaches. Her influence upon his progress was at this stage necessarily exercised for the most part from behind the scenes, but she never missed an opportunity to further his interests. And, though his innate fastidiousness was sorely tried by the atmosphere of a sickroom, he watched over her in her illnesses with a tender consideration rare in any man and especially remarkable in one who was as austere in the outward expression of his emotions as he was inwardly warm-hearted and sensitive.

They were now entitled to regard the future with almost frightening optimism, for in spite of his early handicaps he had already travelled far and fast, and in spite of her constant disabilities she had bravely kept pace with him. They had moved into Broadhurst Gardens when he was first called to the Bar ; they had moved to Palace Court just as he was applying for silk. They might well ask themselves what new portent the move to Park Lane held in store.

They had not long to wait for their answer. By the end of 1904 his conduct of the prosecution of Whitaker Wright had assured for him a permanent place in the company of great advocates and he had entered the House of Commons as member for Reading.

The Whitaker Wright case had in Rufus Isaacs' career at the Bar an importance apart from and transcending its obvious features of dramatic interest, for it was at once the most perfect exemplification and the most complete justification of the methods of the more modern school of advocacy which he himself had been mainly instrumental in introducing.

When he entered the ranks of Queen's Counsel, cross-examination was still conducted for the most part on the principles of terrorism, making up in vigour what it lacked in finesse. The thundering voice, the minatory eye, the resonant crash of fist upon desk, were the accepted weapons of the cross-examiner, who gave too often the impression of being more intent upon belabouring the witness than eliciting the truth.

Sound and fury were the dominant notes, and the hapless victim in the box was often subjected to a process of hectoring attrition which would receive short shrift from the judges of to-day.

Rufus Isaacs had an instinctive hatred, perhaps in part inspired by his own memories of his year as ship's boy, of bullying in any form, nor was he equipped by nature or training to compete with his ferocious seniors at their own game, even if he had desired to do so. He was therefore under the necessity of evolving a style of his own which soon proved to be so effective as to convert most of his contemporaries to its adoption.

Very quiet, very courteous, rarely raising his voice, he never resorted to browbeating, though he could be severe enough if the need arose. Nor did he ever lose his temper or even give the appearance of being ruffled by a witness, however insolent or obdurate. As he himself always gratefully recognized, Ned Donnelly's had taught him this invaluable power of control, for in the boxing ring temper is the surest prelude to defeat. His tactics, all the more formidable for being unfamiliar, were never to bludgeon his man but to lead him gently and politely to destruction. A witness, feeling that this suave and soft-voiced person could not possibly be dangerous, would follow him confidently down the paths he indicated and would only realize when it was too late the pitfalls that awaited him at the end.

He was at one time engaged in a series of heavy cases connected with the tobacco trade, in one of which it was his task to cross-examine the plaintiff, an expansive and loquacious gentleman with an obvious admiration for his own gifts of repartee. Every encouragement was given to the witness to display his talents, and during the whole of one day he basked in the spectacle of himself trouncing the famous K.C., thinking pityingly of those persons less

adroit than himself who allowed themselves to be overawed or bamboozled in the witness box. By the end of the day's hearing he felt that he had scored so resoundingly off his meek opponent that he was positively sorry for him, and he resolved to show himself magnanimous in victory by sending round to Mr. Rufus Isaacs' chambers that very night a box of a hundred cigars with his compliments and regards. The cigars were promptly returned and the next morning Rufus Isaacs successfully submitted to the judge that the plaintiff on his own admissions in the box had entirely failed to make out even a *prima facie* case. As the result of the cross-examination the whole action had collapsed, and the deflated and disillusioned plaintiff found himself saddled not only with the price of a wasted box of cigars but with the bill for the whole of his own and his opponent's costs.

Rufus Isaacs' speeches followed much the same lines as his cross-examination. In contrast to the orotund style of the older generation he talked as a rule to a jury simply and almost confidentially, rarely essaying flights of rhetoric unless the special circumstances demanded it. This was the method that came most naturally to him and was therefore in his view the most suitable for his purpose • for he always held that, if a man could speak at all, he was well advised to develop his powers by practice rather than resort to teachers of elocution and thereby risk losing the essential ingredients of spontaneity and conviction.

Moreover, he never made the mistake of putting his own case too high. He would admit its defects and acknowledge the strong points of his adversary's with disarming frankness, and he contrived to convey an impression of such moderation and reasonableness that juries found themselves defenceless against his appeal.

But he did not achieve his successes in court without immense preparatory labours. He was never satisfied unless he had mastered all the facts of a case and the law applicable to them, though the speed and accuracy with which his mind went to the root of the matter enabled him to discard all irrelevancies at an early stage.

He had an almost instinctive faculty for foretelling the course and outcome of a case, and he never hesitated to advise a settlement if he considered it in the interests of his client. In negotiating a compromise he was at his most formidable, for his air of reasonableness and impartiality was almost as effective with his opponents as with juries. But, once armed with authority to settle, he never followed the too obvious course of naming a figure out of all proportion to the realities of the case and then spending hours in fruitless

haggling. He made his offer, supported it by his reasons and left it to the other side to accept or reject.

On the other hand, if in spite of his advice a client wished his case fought out, he never let his own opinion of its merits diminish the vigour with which he conducted it. He would come into court and say to his junior : "You know, on thinking it over, I believe there is a great deal more in our case than I thought at the consultation."

He was never a great "case lawyer," for his temperament did not lead him to seek recreation among the Law Reports. The academic aspect of the law had little attraction for him, and he regarded with more pity than envy those of his colleagues who were able at will to put their hands on the exact volume of the Reports which contained a particular case. For his own part he was content to follow the day-to-day accounts of cases published in *The Times*, but he had a knowledge of legal principles which appeared to be intuitive ; and, when any point arose in concrete form in a particular case, he would read with diligence not only the law on the actual point but on any collateral points which might conceivably become material.

As regards the facts of a case, he always insisted upon approaching them in strict chronological order, however complicated they might be or however many transactions might be proceeding simultaneously. He appeared to have no difficulty in keeping any number of threads separate in his mind and would follow each to its end, while at the same time he watched the pattern of the general situation taking shape.

This faculty was of immense value to him in the many heavy and important financial, and in particular Stock Exchange, cases which at this time formed the bulk of his practice, for such actions as caught the public eye were of necessity only a relatively small fraction of the whole.

But the trial of Whitaker Wright in January of 1904 for once combined the most intricate financial details with the most absorbing interest.

Whitaker Wright himself was a far greater public figure than any of his successors in the treacherous art of juggling with the assets of a group of associated companies.

Born some fifty years before in the North of England, he had emigrated at an early age to the United States and had settled in Philadelphia, where, being a mining engineer of considerable technical attainments, he turned his attention to a variety of mining enterprises. So successful and respected was he that he became in due course President of the Philadelphia Mining

Exchange and also of the Consolidated Stock Exchange of New York. But in 1889, searching for old worlds to conquer, he decided to return to his native country, where he soon founded two companies, each with the modest capital of £200,000, the West Australian Exploring & Finance Company in 1894 and the original London & Globe Finance Corporation in 1895. These enterprises, assisted by an opportune boom in West Australian gold mines, were immediately successful and were speedily followed by others, of which Lake View Consols was the most prominent. Everything that he touched seemed to prosper, and it was not long before he had attained in the City the reputation of a financial wizard whose alchemy turned the unlikeliest substance to gold. The comfortable fortune which he had brought back from America had now swollen, at least on paper, to great wealth, and Whitaker Wright, who was not averse to advertising his riches, launched out into a life of affluent ostentation. An imposing house in Park Lane filled with the most costly and ornate eighteenth-century French furniture supplied his London background. For his country setting he had acquired an enormous mansion in a vast park at Witley in Surrey, with among other marvels a billiard room beneath the lake and stables decorated with a blatant sumptuousness which must have embarrassed the horses themselves. Here he landscape-gardened in the grandest manner, turning hills into valleys and valleys into hills with equal disregard of Nature and expense. A racing yacht of the largest permissible dimensions completed this distinctly flamboyant "Portrait of a Millionaire/'

His company was eagerly sought, for he had much to offer, and when early in 1897 he formed the new Globe with a capital of £2,000,000 to absorb all his previous ventures, the board fairly scintillated with titles and great names, though it was not until August that the chairmanship was assumed by the Marquess of Dufferin, former Ambassador to St. Petersburg and Paris, Governor-General of Canada, Viceroy of India, and one of the most brilliant figures of the later Victorian Age.

But it may be that public confidence in the concern was due in larger measure to Whitaker Wright's presence as managing director than to the inclusion of all these figureheads on the board.

Investors were now clamouring to participate in any project with which the name of the mighty "W. W." was linked and he was not the man to deprive them of the desired opportunity. In October, 1897, the British-America Company wab formed and in February, 1898, the Standard Exploration Company, each with

a capital of £1,500,000, to be followed by a spate of further issues which did not subside till near the end of 1900.

The names of the same directors were to be found on several of these boards, but on each and every one the real guiding genius was Whitaker Wright himself, his task of control being facilitated by the offices of the Globe, the Standard and the British-America companies being centralized under the same roof and their affairs conducted by the same staff of clerks.

The Globe had every outward appearance of triumphant jDrosperity. It had paid in 1898 a dividend of 10 per cent, and at the annual general meeting in October, 1899, Lord Dufferin gave a most optimistic survey of past performance and future prospects. The great strength of the position lay in the possession of cash at the bank to the extent of no less than £534,455 ; and the report pointed out that a return of not less than 10 per cent together with a bonus might be expected on a genuine investment, while a dividend of 25 per cent was by no means impossible in the future. For the current year a dividend of 10 per cent was again declared and this was repeated in 1900, though no balance sheet showing the position at September 50, the end of the company's financial year, was issued until December 5 and the shareholders' meeting did not take place until the 17th of the same month, almost the latest date on which it could be held without a breach of the law.

At this meeting Lord Dufferin again made a speech from notes supplied by Whitaker Wright, calling attention to the gratifying profit of £465,672 disclosed by the balance sheet. On a shareholder inquiring how much had been written off during the past year from the figure of £2,552,652 0s. Id., which appeared on the credit side of the balance sheet under the heading : "By shares in sundry companies," Whitaker Wright himself replied that over a million sterling had been so written off and added that these shares had been marked down as low as possible. The audience then dispersed in a mood of heartfelt gratitude to the wise and beneficent W. W., who so regularly bestowed upon them their handsome dividends.

Eleven days later the Globe announced that it was insolvent, and on the next day it went into a voluntary liquidation which ultimately became compulsory. Its creditors, to whom it was indebted to the amount of £2,296,000, received in the end Is. in the pound.

Immediately a wild clamour for Whitaker Wright's blood was raised by those who had so lately been calling blessings on his name. But before any steps could be taken against him, a

rotracted and detailed investigation into the affairs of the Globe and its many ramifications must be carried out, and there was no ertainty that even then his conduct would reveal such evidence of any offence known to the law as to justify a prosecution.

The proceedings in connection with the liquidation, in which RUifus Isaacs appeared for the Official Receiver, dragged on till toward the close of 1902 ; but, though they appeared to show hat the Globe balance sheets for 1899 and 1900 had not presented true picture of the situation, the Attorney-General Sir Robert Finlay (afterward Viscount Finlay and Lord Chancellor), was of pinion that it would be impossible on the available material to ecure a conviction and he refused to permit the Director of 'public Prosecutions to institute proceedings.

But public opinion was dissatisfied and in the debate on the address on February 20, 1903, a Liberal Member, Mr. George ..ambert, moved an amendment that "we humbly express our egret that no prosecution has been instituted against the directors f the London & Globe Finance Corporation." In a vigorous peech he analysed the manipulations by which the figures in the balance sheets had been attained and, after a reference to the aristocratic directors," said : "Here is a Company which issued report showing a profit for the year of £463,000, and twenty-three ays afterwards they collapsed and were unable to meet their Labilities. Surely the House will consider that here is material or the Public Prosecutor." His speech was well received, and he Attorney-General and the Solicitor-General, Sir Edward 'arson, as well as Mr. Balfour, the Prime Minister, who all took •art in the debate, found a very considerable body of hostile pinion on both sides of the House.

The Law Officers directed their remarks mainly to a criticism f the unsatisfactory state of the law, since the Companies Acts ealt only with the issue of false prospectuses and not false alance sheets. But the House was not entirely convinced and Mr. Lambert's amendment was in the end defeated by no more ban 166 votes to 115,

Nor did the Attorney-General's refusal to move conclude the latter. For early in March application was made to Mr. Justice Luckley (afterward Lord Wrenbury) in the Chancery Division n behalf of certain brokers who had suffered severely by the Dllapse of the Globe for leave to institute a criminal prosecution, he cost of which should be met out of such assets as the company till possessed. The application, made by Avory with Rufus saacs appearing for the Official Receiver and Astbury (later a adge of the Chancery Division) for the opposing creditors, was

successful, the judge directing the Official Receiver to institute and conduct a prosecution for such offences under s. 83 and 84 of the Larceny Act, 1861, and s. 166 of the Companies Act, 1862, as he might be advised.

A warrant was promptly issued for Whitaker Wright's arrest, but three days later a notice was issued by the City Police :

Wanted, in this City, on a warrant, charged with fraud in connexion with the London & Globe Corporation (Limited), Whitaker Wright, aged about 50, height about 5 ft. 9 or 10 inches, stout build, large head, dark hair and moustache, florid complexion, small eyes, receding forehead, small chin with large fat roll beneath. Wears gold pince-nez with gold chain attached. Speaks with slight American accent. Usually dressed in frock-coat suit and silk hat.

"W. W." had absconded, and while this unflattering description was circulating in the area where so recently he had been a venerated and courted figure he himself was a fugitive on the high seas, having first escaped to France and thence taken ship for the United States. While in Paris he had received a telegram : "Everything looks bad. Case for prosecution settled," to which he had replied directing £500 to be paid to a relative and ordering that no more letters should be forwarded to him. But he was soon traced by a bank note cashed in Paris and on his arrival in New York he was at once apprehended. The question was then raised on his behalf whether the offence with which he was charged was extraditable, but on June 5 the Supreme Court decided that it was and in August he returned to England to stand his trial.

Even then much time was required for the preparation of the voluminous material required by both sides and it was only on January 12, 1904, that the actual hearing began, not at the Central Criminal Court but at the Law Courts in the Strand, Whitaker Wright's counsel having successfully applied to the Lord Chief Justice that the normal venue should be thus changed in order that the services of a Special Jury might be available to investigate the complicated financial transactions involved.

Mr. Justice Bigham, who had had long experience of commercial cases both at the Bar and on the Bench and was in his element in a matter of this kind, was the judge ; Rufus Isaacs, Avory, K.C., Guy Stephenson and G. A. H. Branson appeared for the prosecution, and Lawson Walton, R. D. (later Sir Richard) Muir and Felix Cassel (later Sir Felix Cassel, K.C., and Judge Advocate General) for the defence.

Immediately on his arrival in England Whitaker Wright

had made efforts to retain Rufus Isaacs on his own behalf and was greatly disappointed when he learned that owing to his previous appearance on behalf of the Official Receiver he was not in a position to accept the brief.

Rufus Isaacs was very conscious of the difficulties in his way. Not only had he to encounter and defeat one of the most acute financial brains in the country and to explain the most intricate dealings in terms which the jury could understand, but he had to carry the additional burden of conducting a prosecution which in the carefully considered and publicly expressed opinion of the Law Officers was foredoomed to failure.

But he was never daunted by difficulties ; and, when he rose to open the case for the prosecution, he was convinced in his own mind that the Law Officers were wrong in their view and that the facts as laid before him plainly disclosed that the eminent "W. W." had been guilty of a common swindle.

The indictment was lengthy and involved, but the essence of the charges was that Whitaker Wright had knowingly made false statements, particularly in and in connection with the Globe balance sheets for 1899 and 1900, with the intent to defraud actual or possible shareholders and creditors of the company. If this accusation could be substantiated, then he had brought himself within the scope of the Larceny Act, 1861.

In a speech of five hours' duration, devoid of rhetoric and teeming with figures, Rufus Isaacs outlined the history of Whitaker Wright's various companies, traced the connection between them and demonstrated the internal manipulation which had taken place.

For the great man, exercising dictatorial sway over this chain of companies, had embarked on behalf of the Globe, in which he himself was a very large shareholder, upon a vast gamble in Lake Views which had proved disastrous ; and in order to cover up the real situation he had bolstered up the Globe balance sheets by making temporary transfers of assets from others of his companies. He had hoped by thus presenting a picture of prosperity and stability to the shareholders and the world to tide over a critical period and to readjust the position when the market in Lake Views improved.

But Whitaker Wright's power was also his undoing, for so dominant was his position in his companies that he was able utterly tcr ignore his co-directors, who were kept in blind ignorance of his operations, while no one in his employ dared for one instant to oppose or even question his decree.

It was when at the end of his preliminary survey of the

various concerns Rufus Isaacs turned to analysing in detail the Globe's report for 1899 that Whitaker Wright's complex machinations began to emerge.

The cash at the company's bankers, upon which so much stress was laid as proof of the company's soundness, was stated to be £534,455/ Literally the statement was true, but taken in conjunction with the accounts as a whole it was deliberately and demonstrably false, for the money was only in the bank as the result of a series of fraudulent manipulations. In fact the profits, which were said to be represented by cash, only existed as shares, and the money was only obtained by the transfer and re-transfer of shares between companies. By this means cash was substituted for shares for the immediate purpose in hand, the hoodwinking of shareholders and public as to the real state of the Globe's finances.

Actually, by a network of transactions on paper between the Globe, the Standard and the British-America, undisclosed to the shareholders or even the directors, the Standard ultimately paid to the Globe shortly before the end of the latter company's financial year a sum of £359,176, a considerable part of which it had borrowed from outside through Whitaker Wright's instrumentality, the bulk of the remainder being obtained from the British-America. Whitaker Wright knew perfectly well that he was depleting the Standard's coffers for the purpose of "window dressing" in the interests of the Globe, for he had himself signed every one of the numerous cheques circulating between the companies. This was an instance of the "sound and conservative policy" of which the directors of the Globe were so proud.

Rufus Isaacs turned next to a transaction between the Globe and the British-America, by which the Globe first showed in its own balance sheet 250,000 shares in a British Columbian adventure which rightly belonged to the British-America and then on the day after its own meeting transferred these shares to the British-America, thus enabling that company to pay a dividend of 10 per cent. By this means the same shares had been used to do valuable but wholly illegitimate duty in both balance sheets.

But the events of 1899 paled before those of 1900.

Had the Globe balance sheet been made up at the proper date, September 30, 1900, it would have shown a loss during the year of £1,600,000. It was in fact not issued till December 5, the interval having been employed in so juggling with the accounts as to show a profit of £463,672. This result was obtained by transferring to the Standard by a mere book entry dated November 29 a liability of £1,600,000 in respect of the Lake View

shares in which Whitaker Wright had been gambling. The books of the Globe showed the transfer, but not those of the Standard. The differences were in fact paid by the Globe to the brokers at the mid-December account and, as soon as the Globe's insolvency was public knowledge, the whole transaction was written back to the Globe.

Moreover, at the Globe meeting on December 17 Whitaker Wright had stated that over a million sterling had been written off during the past year from the value of the assets, whereas £960,000 represented not depreciation but dead loss.

On these and other similar facts, argued Rufus Isaacs, there was clear evidence of false balance sheets which could only have been made with intent to defraud.

The evidence for the prosecution, apart from two gentlemen called to prove that they had bought shares in the Globe on the faith of the statements now complained of, consisted chiefly of Mr. Russell, senior examiner in the department of the Official Receiver who had been in charge of the liquidation, who traced in detail the various transactions to which Rufus Isaacs had referred in his opening speech, and of Mr. Malcolm, a book-keeper and at the end the chief accountant of the Globe.

At the conclusion of the prosecution's case Lawson Walton, who had earlier had a sharp passage of arms with the judge, submitted that there was no evidence to support certain of the counts, but Mr. Justice Bigham was unconvinced. "There are two ways in which these things may be regarded," he said. "It is for the jury. It may be what you call 'justifiable window dressing,' though I do not like it. Or it may be a scheme to throw dust in the eyes of the shareholders."

Since the trial was taking place in the King's Bench Division, Whitaker Wright had been spared the humiliation of the dock and had listened to the prosecution's case from a seat next to his solicitor and immediately in front of his counsel. Now, on January 19, a week after the case had begun, the moment came for him to enter the witness box.

In answer to Lawson Walton's questions he began by describing his early career and then passed to maintaining the perfect propriety of all that had been done and explaining the reasons for which and the method by which the various transactions had been carried out. His manner was slightly patronizing f l*e seemed to be striving to elucidate for the benefit of a very ignorant audience certain matters which might at first sight cause them difficulty but would be perfectly plain and familiar to any trained intelligence.

"It is so simple," he said from time to time. "You call it simple !" exclaimed the judge at one point. "Well, it is so simple to me," replied Whitaker Wright, though he seemed slightly disconcerted by one or two searching questions from the Bench and was driven to the somewhat ignominious refuge of casting the blame for certain of the more inexplicable statements and figures upon a subordinate.

On the afternoon of the same day Rufus Isaacs rose to cross-examine and the decisive engagement of the whole trial began. If Whitaker Wright could survive this ordeal, he might still leave the court, perhaps not restored to his former eminence, but at least a free man. The next few hours would decide his fate and the occupants of the crowded benches leaned forward, eager not to miss the first exchanges. The antagonists were a striking contrast ; the man in the box florid, fleshy, with a head disproportionately large even for his massive body, slow and clumsy in movement, but supple enough in mind, in the opening stages showing every outward appearance of self-possession save for an occasional lifting of one hand to pull nervously at the small "imperial" which he had recently grown ; the man in the well of the court pale, slender, fine-drawn, with quick movements of head and hand, calm and dispassionate but concentrating all his powers upon his immediate task. It was my own first visit to a law court and, although I was then only a schoolboy, I have never forgotten the picture of Whitaker Wright as the relentless cross-examination went on and he found himself forced into admissions or evasions which he must have known to be having their effect on judge and jury. He took on more strongly every minute the appearance of an angry and bewildered bull. As question after question went home like darts driven deep into his shoulder, he seemed to back away from the front of the box with lowered head, as if to put himself out of range of his too nimble enemy.

Rufus Isaacs began with a series of questions about Whitaker Wright's hurried departure from England when trouble threatened in the previous March. This was a strong point, for, if he had nothing to conceal, why had he taken fright ?

Whitaker Wright attempted to brush all this aspect of the case aside. He had gone to Paris the day after the House of Commons debate, having previously made all his plans to go to British Columbia. The telegram was the work of a nervous woman and he had arranged to leave France before he received it. He knew, but did not care twopence, about the application to Mr. Justice Buckley. It was a mere coincidence that he had

booked passages—incidentally in assumed names—after the telegram had arrived. But coincidences are seldom convincing, and these answers did not make too good an impression on the jury.

Next Rufus Isaacs turned to the actual transactions.

"You received all this money as chairman of one company," he asked, "from yourself as chairman of the other ?"

"I do not like that way of putting it," replied Whitaker Wright, and added amid some laughter : "The money was paid by one company to the other."

After a number of questions as to internal dealings between the companies Rufus Isaacs came to the item of cash in the Globe balance sheet for 1899, one of the crucial points in the case.

R.I. : "Was not the object of showing £500,000 in cash to enable you to say that your profits were in cash ?"

W.W. • "Nothing of the kind ; it was put in to show that we had good substantial liquid assets/' and a little later : "You will never get me to the crack of doom to admit that there is anything wrong with the 1899 balance sheet."

R.I. : "Do you think the shareholders would be more impressed with the statement that the directors aimed to make the company a 10 per cent investment when they saw the balance in cash ?"

W.W. : "I am not responsible for the inference the shareholders may draw."

R.I. : "Did Lord Dufferin say at the meeting that this policy would be appreciated by the genuine investor, who would be able to sleep without thinking of the safety of his investments ?" (Laughter.)

W.W. . "That is not the passage I wanted you to read."

R.I. : "Was it true, as you said at the meeting, that the Globe profit shown was after deducting £500,000 for market value ?"

W.W. : "It was a slip of the tongue."

R.I. : "Did you write that to Lord Dufferin ?"

W.W. : "It was perfectly straight and right."

At this point the court adjourned till the next morning, when Whitaker Wright, on re-entering the box, seemed to have lost something of his jauntiness and confidence and to be looking jaded and despondent.

The cross-examination was resumed. No, said Whitaker Wright, he did not know that when a transaction was really a purchase 'and sale it ought to be recorded in the minutes, asking with a flash of his old fire if Mr. Rufus Isaacs would like him to be chairman and secretary and everything. "No," said his opponent gently. "I think you were quite enough."

All that day the battle went on through a maze of figures and documents with Whitaker Wright being slowly but steadily driven to retreat from one defensive position after another. He was fighting a rear-guard action now, though still stubbornly contesting every yard of the ground. But before the end of the third and last day of cross-examination lie was in full retreat.

Yes, he admitted, the 1899 balance sheet had been shown to him before it was in print and he had given instructions about it, and, when it had been drawn up in accordance with those instructions, it had come before him again. He was only one of the people who could consider it after it had been printed, but in the only copy of the draft produced at the trial the corrections were all in his handwriting.

On the subject of the 1900 balance sheet he was in even greater difficulties.

R.I. : "You made a speech at the shareholders' meeting. You knew there were rumours as to the state of the Globe's affairs ?"

W.W. : "No doubt."

R.I. : "You were anxious to put the best face on affairs you could?"

W.W. : "No doubt."

R.I. : "You knew that the important matter to the shareholders was the item of £2,552,000 Value of shares held in sundry companies' ?"

W.W. • "The state of the company was the important thing."

R.I. : "The company owed to sundry creditors £570,000 ?"

W.W. : "Yes."

R.I. : "Your assets were about £2,700,000 ?"

W.W. : "Yes."

R.I. : "The largest item in the £2,700,000 was the £2,552,000 ?"

W.W. : "Yes."

R.I. : "It was important to know how much had been written off?"

W.W. : "Yes."

R.I. : "You dealt with that in your speech ?"

W.W. : "I answered questions."

R.I. : "You said over a million sterling had been written off for depreciation. That was untrue ?"

W.W. : "I do not admit it. You must take the whole report together."

R.I. : "You said 'over a million sterling' ?"

W.W. : "I should have said 'for loss and depreciation.' "

R.I. : "Have you any doubt that this statement is absolutely untrue ?"

W.W. : "In its connection it is true. But I ought to have said 'loss and depreciation/ It was an extempore utterance."

R.I. : "That is, as it stands, the statement is untrue ?"

And a little later :

R.I. : "You said you had marked [the Lake Views] as low as possible. Had you in the list of assets—the £2,532,000—marked them down a penny ?"

W.W. : "The sum of £500,000 was not taken into account."

R.I. : "Then you had not marked them down as low as possible. Would you like to say it was a slip of the tongue ?"

W.W. : "Yes, if you like."

And again :

R.I. : "You edited the report, put in the 'hear hears' and so on ?"

W.W. : "Yes, and rightly."

R.I. : "But the slip of the tongue was left uncorrected. The sentence before the sentence which spoke of 'marking off' was corrected, but not the 'marking off sentence ?"

W.W. : "My time was absorbed. The manager or secretary ought to have looked at it. In this company I had to do everybody's work."

A few more questions and Whitaker Wright left the box and resumed his seat in the comt. He looked not only a weary but a beaten man. His great frame seemed to have shrunk and his face was grey and drawn.

Rufus Isaacs now commenced his final speech, pointing out that every statement of fact in his opening speech had been proved and going on once more to analyse the material transactions and documents and to insist upon the inevitable inference of guilty knowledge and intent to be drawn from them.

If the jury accepted his view of the evidence, he concluded, that these balance sheets were false and made with intent to deceive, no other consideration, private or public, should be allowed any weight in their minds and their acts.

Lawson Walton followed, since, having called no evidence except the accused man himself, he was entitled to the last word, and he made full use of the advantage, though he must have known by then that only one result was likely and was perhaps betrayed by that knowledge into complaining that he doubted whether he had ever met a case where the prosecution had been conducted with such marked vindictiveness.

Finally, Mr. Justice Bigham, who "had never listened to

speeches of more eloquence and power than those of Mr. Isaacs and Mr. Walton," proceeded to sum up pungently and accurately the evidence given and the issues involved. He emphatically dismissed the charge of vindictiveness. "The prosecution was carried on temperately and properly. If Mr. Isaacs' view was the right view[r], it was scarcely possible to use language too strong in describing it."

The jury were absent for only an hour, finding Whitaker Wright guilty on all but two of the numerous counts, and the judge sentenced him to the maximum term of seven years' penal servitude. "All I can say," declared Whitaker Wright, "is that I am as innocent as any person in this court of any intention to deceive or defraud the shareholders." He was led away, and Rufus Isaacs returned to his chambers and was soon immersed in consultation in a theatrical case. Suddenly the door opened and his clerk burst in with the news that Whitaker Wright was dead. Rufus Isaacs at once broke off the consultation. He was greatly distressed, thinking first that death must have been due to heart failure brought on by the strain of the prolonged cross-examination, and it was, however illogically, a real relief to his mind to learn that Whitaker Wright had committed suicide. After the verdict and sentence the convicted man had retired to a room in the courts with his solicitor and one or two friends. A few moments later he withdrew to the lavatory and on returning asked for a cigar. But it was never lit, for during his brief absence he had swallowed a tablet of cyanide of potassium and almost instantaneously he was dead. He had determined to make assurance doubly sure, for in his pocket was concealed a revolver, loaded and cocked, for use if the poison failed.

The transfer of his trial from the Old Bailey to the Strand had stood him in good stead after all ; for he had escaped the search which would otherwise probably have revealed the poison and certainly the revolver.

Thus ended not only the trial but the life of Whitaker Wright, a story possessing many of the favourite devices of Greek tragedy, the raising up of an individual to great heights, the *hubris,* the insolent challenging of Fate, which too often accompanies such exaltation, and then the *peripeteia,* the swift, ruthless and irreparable change of fortune casting down its victim into the dust.

As a result of his conduct of the prosecution, to "the exemplary fairness" of which *The Times* paid tribute in a leading article, Rufus Isaacs found himself at the zenith of his achievement at the Bar. The remaining six years of his private practice

were to see other great cases, but these served only to confirm rather than to enhance the outstanding reputation which he had now earned. It was clear that if, as seemed probable, a Liberal Government came into power at the next election and Rufus Isaacs was by then a member of the House of Commons, he would from the outset be a serious candidate, even in competition with such tried stalwarts as Lawson Walton and Robson, for appointment as a Law Officer, to whom in due course all the highest legal appointments are open. But circumstances prescribed that his entry into Parliament was not to be delayed until the General Election.

After the Whitaker Wright case briefs marked with increasingly substantial fees came pouring in ; among them another trade union case of great moment to the miners, Howden *v.* the Yorkshire Miners' Association, and a very heavy commercial action, Lake George Gold Mines, Ltd., *v.* Gibbs, Bright & Company, in which that eminent City firm were accused of negligence and fraudulent misrepresentation in connection with the sale of the Commodore Vanderbilt and the Koh-i-Noor Copper Mines in Australia.

The case for the plaintiff company, which was in liquidation, turned largely on the voluminous correspondence, Sir Edward Clarke striving in an opening speech which lasted for three and a half days to show that the reports on which the publicity in regard to the mines had been based were dishonest, or at least unreliable, and that the defendants had really been interested in making profits, not from the mines for the shareholders, but out of Stock Exchange flotations and other operations for themselves.

But after Rufus Isaacs had cross-examined the plaintiff's witnesses the judge withdrew the charge of fraud from the jury, and after he had addressed them on the charge of negligence they intimated that they wished to hear no more and were thus spared any extension of the period of eight days which the hearing had already occupied.

With these and similar cases Rufus Isaacs was kept working at immense pressure throughout the spring and summer of 1904, until he was eagerly awaiting the arrival of the Long Vacation with its promise of a respite from toil and a much needed cure.

But before release came he was suddenly confronted with the necessity for making still further intensive demands upon his strength by contesting a by-election at Reading.

Earlier in the year Rufus Isaacs had been informed that Mr. George William Palmer, head of the world-famous biscuit concern, who had been Liberal member for that constituency from

1892 to 1895 and again since 1900, had determined owing to increasing deafness not to stand again at the next General Election, and he had been invited to succeed him.

The invitation had much to commend it. Reading was a borough, and he would obviously never be a suitable candidate for a county constituency, since agriculture was scarcely one of his subjects. It was within easy access from London and the excellent train service made it possible to get there and back in the same evening, a highly important consideration for him with his habits of early morning work and his dislike of being away for the night from home. It had the advantage over a London constituency that it was not so close at hand as to encourage the constituents to expect their member to attend any and every function without regard to its importance or his time and strength. The surroundings were pleasant if in the event of being elected he decided to take a house in the neighbourhood. There was an efficient Liberal organization in existence. Above all, it was already a Liberal seat and he would have the powerful support of the retiring member with his great local influence in his efforts to retain it.

The prospects were, therefore, rosy from many points of view. But there were also disadvantages. The borough had in its recent political history been consistent only in its fickleness, and for the last twenty years Liberal and Tory had succeeded each other as its representative with perfect regularity. On this principle, since the sitting member was a Liberal, it would be the Tory's turn on the next occasion.

In any case Mr. Palmer's majority in 1900 had been only 239 in an electorate of some 14,000, and it might well be that many employees of the biscuit factory who had voted for a Palmer on personal grounds would not extend their allegiance to his successor, especially as the other members of the Palmer family were Conservatives to a man.

Moreover, Rufus Isaacs had no connection either with the town or the neighbouring counties, whereas the Tory candidate, Mr. C. E. Keyser, would not only be making his second appearance in the field but was a local man with a large property at Aldermaston on the Newbury road, and a prominent figure in borough and county affairs.

There was also the consideration that the other influential families in the town, the Suttons, who controlled the great seed business, and the Simonds, who owned the well-known brewery, were in the one case mainly and in the other entirely in the Tory camp.

These were formidable obstacles, but after careful consideration Rufus Isaacs had decided that on balance the advantages predominated, and he and his wife had begun to take the necessary steps to familiarize themselves with the constituency and to introduce themselves to the electors. But the demands of his practice and the precariousness of her health had led them to commence operations on a limited scale, especially as the prospect of a General Election still seemed remote

They had, therefore, made comparatively little progress with their task when toward the end of July, 1901', Mr. Palmer decided that his infirmity had increased to an extent which prevented the proper performance of his Parliamentary duties and that he must apply for the Chiltern Hundreds without delay.

The contest was brief and breathless. The new Liberal candidate and his wife established themselves at the Lodge Hotel, a small temperance hotel close to Huntley and Palmer's factory, since the more impressive hostelries were strongholds of the opposing faction ; and from this base and from the Liberal headquarters in the centre of the town they set out on a series of tours of the area, speaking, canvassing and making themselves known to all and sundry.

Mr. Keyser had no pretensions to oratory and usually contented himself at meetings with a short and stereotyped speech. His chief electioneering asset was a magnificent coach-and-four decorated with the Conservative dark blue, on the box seat of which he would parade the town, accompanied by a galaxy of resplendent supporters.

But the topics which were then agitating men's minds were too grave to be airily brushed aside, the defects in the organization of the Army which had been revealed by the South African War, the consequences to trade unionists of the Taff Vale decision, the controversy over the recent Education Act, above all Mr. Joseph Chamberlain's newly proclaimed proposals for tariff reform. Here the Liberal candidate had an immense advantage, for he brought to the contest his reputation as one of the foremost advocates of the day, his skill in lucid exposition, his adroitness in using the same arts to ingratiate his cause with a meeting as he employed so successfully with a jury, his personal charm and his imperturbable temper, as valuable an asset on the platform as in the courts. Furthermore, he was in the strong tactical position of being on the offensive, and the record of the then Conservative Government offered no lack of ammunition to its assailants. In addition to the normal disabilities under which any Government suffers which has been in power for nine con-

secutive years, it had exasperated organized labour, infuriated Nonconformity and alienated some of its own leading members by flirting with tariff reform. Mr. Chamberlain had resigned from the Government in order to be free to wage his campaign after his own fashion, and was engaged in an endeavour to force or cajole the Prime Minister into adopting his full programme. But Mr. Balfour was still contemplating the problem with metaphysical detachment and was reluctant to commit his party to a doctrine which, in spite of its powerful appeal of "Tax the Foreigner/' was open to the deadly retort : "Your Food Will Cost You More."

Rufus Isaacs in his election address and in his speeches put the fiscal question in the forefront, also devoting attention to Army reorganization, licensing, education and the legal position of the trade unions.

Since it was a by-election there were plenty of politicians from outside the constituency ready to help both candidates.

Among those who came to give active aid to the Liberal cause were Mr. David Lloyd George, who, undeterred by the unpopularity which his support of the Boers had brought him during the South African War, had made a great reputation as the most formidable critic of the recent Education Act ; Mr. Edwin Montagu, just down from Cambridge ; and Mr. Freeman-Thomas, the young member for Hastings.

Of these three Mr. Lloyd George was as Prime Minister to offer to Rufus Isaacs seventeen years later the mighty office of Viceroy of India ; Mr. Montagu was to be Secretary of State for India during the early years of his Viceroyalty ; and Mr. Freeman-Thomas was first to be Governor of Madras during a part of the same period and later himself Viceroy and Marquess of Willingdon.

After nine days of intensive electioneering the poll was declared on August 4 and Rufus Isaacs found himself elected by a majority of 250, only 9 votes less that Mr. Palmer's majority in 1900, in all the circumstances a most satisfactory result.

On August 9 Mr. Rufus Isaacs, K.C., M.P., took his seat in the House of Commons, introduced by Mr. Herbert (afterward Viscount) Gladstone, the Liberal Chief Whip, and Mr. (afterward Sir Charles) Rose, member for the unexpectedly Liberal division of Newmarket, whose home was at Mapledurham near Reading, and who had rendered tireless and invaluable service during the campaign.

A feature of the contest had been the posters proclaiming in great letters of the opportunely Liberal red the slogan : "Rufus

Reading." The exhortation had now become an accomplished act, for thus was inaugurated an association with the borough fhich was to remain unbroken during the nine years of his lembership of the House of Commons, surviving the stress of bree General Elections, and to be perpetuated by his adoption of lie name of his old constituency as his title on his elevation in 914 to the House of Lords.

CHAPTER IV

RUFUS ISAACS, K.C., M.P.

MEMBERSHIP of the House of Commons necessarily added to his already almost insupportable burden of work a further weight which he might justifiably have Lesitated to assume. But he was by now a devout Liberal and in •articular a convinced Free Trader, and he was anxious to put at he service of the State and of his party those talents which the xercise of his profession had revealed. He believed sincerely hat the existing Conservative Government was doing active larm to the national interests, and he was prepared to accept the urther sacrifice of private to public life which his new duties nvolved. Moreover, it would be hypocritical to pretend that in o doing he gave no thought to his own future.

Lawyer politicians are apt to be suspect as careerists and 10thing more. But, while there is no doubt that, so long as there Lre Law Officers in the House of Commons and so long as they lave at least a strong claim to preferment to the higher judicial •ffices, successful leaders at the Bar will almost perforce seek lection to Parliament, it by no means follows that their main notive is personal advantage rather than public service. More-•ver, a great advocate is so prominently in the public eye that le cannot hope to escape the pressure of his party organization o come forward as a candidate.

Rufus Isaacs always refused to subscribe to the view that here was anything derogatory in the title of "politician." "I mly wooed you as a politician. I never attempted to do any-hing else than appeal to you as a politician," he said to his new leading constituents at the declaration of the poll, but he cer-ainly never understood the description to imply that loyalty to >arty was an end in itself rather than a means toward enabling

the government of the nation to be carried on along recognized lines.

Nor was he intent upon seizing the first opportunity to establish his own reputation in the House. He did not make his maiden speech until nearly a year after his election, but the interval was filled with a further series of outstanding cases at the Bar.

Both he and his wife were so exhausted at the end of the by-election that they did not feel capable of making even the extra effort involved in a journey to the Continent.

They therefore went no further afield than Harrogate for his cure, afterward paying their first visit to Scotland as represented by Edinburgh and the Trossachs. Being near at hand, Rufus Isaacs felt that it was his duty to inspect so important a city as Glasgow, and he and I duly set out to spend two days and a night there and see the sights. We arrived at the station on a most dismal, wet and discouraging day $ w[r]e advanced as far as the exit ; we then turned round and caught the next train back to Edinburgh, and he never afterward could be persuaded to renew the attempt. But he was greatly charmed by the beauty of Loch Katrine and Loch Lomond, then less tourist-ridden than to-day.

By this time his choice of where to pass his vacation was no longer regulated by considerations of expense. In 1904 his income exceeded £28,000, a figure so astronomical in comparison with the modest £200 a year on which he had begun married life that he himself could scarcely believe it to be true. In the Lake George case his brief had been marked with the fee of 2,000 guineas, an amount probably unprecedented at the time and only twice equalled and never exceeded in his own subsequent career.

During the trial his clerk wmild mount guard over the outside of the brief, while envious colleagues gathered round to gaze at the awe-inspiring figures inscribed upon it.

But both he and his wife remained essentially simple in their tastes and habits. Neither food nor drink made any appeal to either of them. She never touched alcohol, not on principle but by preference, and for reasons of health her food was always of the lightest and plainest. Nor did she ever smoke. He smoked only cigarettes, being unable to cope with a pipe and so greatly disliking both the smell and flavour of a cigar that he watched with amazement the spectacle of Asquith and Haldane demolishing unperturbed one after another of a particularly large and powerful brand which he kept for their special benefit. He paid little attention to food and ate at home as simply and almost as sparingly as his wife. One night, a few months after my mother's

death in 1930, I found myself suddenly alone and rang up at short notice to ask if I could come and dine with him. "Yes, of course," he said, "and you are in luck. I have got a very excellent dinner to-night," which I found later to consist of eggs and bacon and baked apples, accompanied by vast cups of tea. Fortunately I had inherited his tastes and we thoroughly enjoyed our meal. Left to himself, he would probably always have ordered for choice a roast chicken and a rice pudding.

He abhorred long and heavy meals and the profuse hospitality of a City dinner was purgatory to him. He himself admitted that on one occasion when dining with one of the Livery Companies he had been more than usually preoccupied and, after mechanically helping himself to the first three or four courses offered to him, had then started to refuse the subsequent ones until his neighbour inquired in surprise : "Aren't you going to eat anything but fish ?" He then realized that he had without noticing taken two helpings of each of the two fish dishes and made a sufficient dinner of them to the exclusion of the rest of the elaborate menu.

He drank no wine beyond an occasional glass of champagne taken more as a restorative than as a pleasure, and even that he abandoned about this period in his life when it was discovered that mysterious attacks of faintness, over which doctors shook their heads and murmured of the effect upon the heart of sustained overwork, were due to no more alarming cause than inability to tolerate champagne. He was greatly relieved by this discovery, for the attacks had not only caused him much discomfort and some apprehension but on at least one occasion considerable embarrassment. For when dining with the late Lord Rosebery in Berkeley Square he had become conscious of the onset of the familiar symptoms and had been obliged to ask his host's permission to leave the dining-room and recover himself in the open air. As he stood at the front door, a footman on the pavement, observing this clean-shaven individual in evening dress, called out : "Here, tell Lord——his carriage is waiting," which so disconcerted the eminent King's Counsel as to cure him of his faintness and drive him, with a hasty mutter of assent, incontinently indoors.

Thereafter he confined himself to a small whisky-and-soda at dinner with perhaps a second before going to bed, and on very rare and festive occasions a glass ol old brandy by way of liqueur.

But he was a confirmed drinker of tea and in his own house a specially capacious cup was reserved for his use.

Moreover, restive though he was as a patient against medicines

or staying in bed on the occasions when he was ill, he was easy to feed at such times, for he positively relished such slushy and abhorrent concoctions as arrowroot, gruel, and bread-and-milk.

To this almost ascetic regime he was faithful to the end of his days, and no doubt he owed to its observance much of his capacity for concentrated and protracted toil.

Nor was he either at this or any subsequent stage more self-indulgent in other respects. He loathed anything which he regarded as "showy," and his personal belongings were always of the simplest. He never bought himself a present, relying upon Christmas and birthday gifts to supply his modest needs in such essentials as links, note cases and cigarette holders.

Grateful clients gave him costly and ornate cigarette cases. He had them put in the safe and forgot about them all except one monstrosity of gold studded with precious stones, recalled to his mind whenever he saw anything peculiarly rich and vulgar, which he would then designate as "almost as awful as that cigarette case——gave me." On their silver wedding in 1912 his wife gave him a thin gold dress watch. He was delighted with it, but in spite of her protests continued to carry a thick gun-metal abomination to which for some reason he was deeply attached. He disapproved of any form of jewellery on a man and never wore anything more obtrusive than a single pearl pin, nor could he ever be induced to carry a stick or umbrella of anything but plain cherry wood unadorned even by a silver ring. He was always well but soberly dressed, looking back with horror to the sartorial ventures of his youth and resisting absolutely his wife's occasional efforts at what she called "smartening him up." She went out so seldom that jewellery, for which she had no great love, was of little use to her, and for the same reason she had no need for expensive and numerous dresses, so that their whole scale of living was anything but extravagant in relation to their means.

But he had started with no capital and with heavy debts, and he was anxious to save enough to make provision for the future in case ill-health or other causes should reduce or terminate his earning capacity.

In common, however, with many other successful members of his profession he was so immersed in other people's affairs that he had no time to give to his own, and a large part of the fortune which he was acquiring with so great an expenditure of physical and mental effort was soon lost again by hasty and injudicious investments.

When he resumed his work at the Bar in the autumn of 1904,

one of his first cases was Seligmann *v.* Duveen, a dispute between two famous firms of art dealers over the purchase of some valuable Gothic tapestries from the chateau of the Marquise d'Estournelles at Ayglades, near Marseilles. Sir Edward Clarke and Dyke both represented the plaintiffs, while for the defendant no less than three leaders, Lawson Walton, Rufus Isaacs and Eldon Bankes, appeared. The action, which was concerned with the proper division of the profits of the transaction, had begun to arouse considerable public interest when it came to an abrupt end, a settlement on terms acceptable to both parties having been reached.

Next came a lengthy trial at the Old Bailey which gravely complicated his day's work. Being engaged in several cases proceeding simultaneously in different courts in the Strand imposed a severe strain both upon himself and his clerk, whose duty it was to have his master at the right place at the crucial moment, neither too early nor too late, and to turn an unresponsive ear to clients who clamoured for his presence at inconvenient junctures. In this art Rufus Isaacs' clerks during his busy years, Charlton, then Barrett, and later Edgar Miller, were deeply versed, and he himself was greatly amused, when returning one day unexpectedly to chambers, to hear Barrett say down the telephone in a patient voice, using the comprehensive plural in which barristers' clerks often identify themselves with their principals "But, my dear sir, how can we attend to your case when we are at this moment on our legs in the Court of Appeal ?"

But being occupied outside, even so comparatively close at hand as at the Old Bailey, greatly increased the difficulties 5 and when the trial extended over twenty-three days, as did the prosecution of Hooley and Lawson, the situation became almost desperate. Ernest Terah Hooley, in whose lengthy and intricate bankruptcy proceedings Rufus Isaacs had been concerned soon after taking silk, was a man who had at one time cut a very impressive figure in company-promoting circles, having in the days of his affluence not only purchased a fine country seat at Papworth Everard in Cambridgeshire but also presented to St. Paul's Cathedral a set of solid gold communion plate, a benefaction in regard to which his subsequent career was to cause the Dean and Chapter much heart-searching.

Although several of his schemes had miscarried and he had been forced into bankruptcy, he continued to live at Walsingham House in Piccadilly, later destroyed to make way for the Ritz Hotel, and to carry on there in his wife's name a slightly nebulous business, the main object of which was to sell shares in the various companies with which he had been concerned. Among those

with whom he established contact for this purpose was a Mr. Alfred John Paine, who had started life as an office boy in a solicitor's office, risen to be managing clerk and later made some fortunate speculations in public-house property. But his association with Hooley proved so unprofitable that he decided that he had been the victim of a swindle, and it was upon the charges made by him that the subsequent prosecution was based.

Hooley was indicated with a man named H. J. Lawson, an inventor of real ability, who was credited with the invention of the * 'safety" bicycle but had apparently allowed his inventive gifts to encroach upon his financial activities, for conspiracy to defraud Paine and the shareholders and creditors of the Electric Tramways Construction and Maintenance Co., Ltd., obtaining by false pretences cheques for £1,500 and £2,000 from Paine, and inducing him to execute transfers of 4,300 shares in the Siberian Goldfields Development Co., Ltd. Lawson was also charged with making false statements in order to induce persons to buy shares or lend money, and Hooley with aiding and abetting him in so doing. Carson, as Solicitor-General, led for the prosecution, Rums Isaacs and Avory, K.C., for Hooley, and Lawson conducted his own defence.

Rufus Isaacs' line of defence was to persuade the jury that Paine, upon whose evidence the case for the Crown depended, was an experienced business man and an inveterate gambler, and that he had gone into all the transactions with his eyes open, hoping to make a profit and not caring in the least how it was made. In these tactics Paine was his most valuable ally, for he had very soon readily agreed under cross-examination that he had a little taste for gambling like other Englishmen, and that he had lost £1,000 in partnership with another man in a betting system. He said that Hooley had told him that the Construction Company was applying for powers to build a railway from the City to Walthamstow, and he considered that, if the scheme had been carried out, it would have been a very valuable concern. "You mean," interposed Mr. Justice A. T. Lawrence, Rufus Isaacs' old colleague of Chetwynd *v.* Durham days, "that is your own opinion ?"

"Yes," answered Paine, "because it is well known that there is a deal of traffic in that direction which cannot at present be dealt with. That is my opinion for what it is worth."

"Oh !" said Rufus Isaacs quietly, "it is worth a lot."

Later on Rufus Isaacs extracted from Paine the admission that he had written at Hooley's dictation a letter to Lawson, the effect of which he recognized would be to mislead Lawson.

R.I. : "Apparently the telling of lies did not shock you ?"

Paine : "Oh ! as far as I am concerned, I am not going to pretend that it terribly shocked me. (Laughter.) Of course, it was an improper thing, hut I considered it was merely doing a friend, as I considered Hooley to be, a favour."

R.I. : "Helping him to mislead Lawson, and it did not shock you ?"

Paine : "I admit I was not terribly shocked. You seem to be working yourself up into a state of great indignation about it."

Carson : "Don't you imitate him, Mr. Paine."

Ultimately when all the transactions had been gone through in detail, the jury convicted Lawson, who was sentenced to one year's hard labour, but acquitted Hooley, which may perhaps be an example of the advantage possessed by the man who is represented by counsel over the man who conducts his own case. However that may be, Hooley was profoundly grateful to Rufus Isaacs and continued for many years afterwards to record his gratitude by sending him each Christmas from Papworth Everard a turkey of gargantuan size.

The year 1905 was inaugurated by a lengthy case in the Chancery Division, Chang Yeng Mao *v.* Bewick Moreing and Co. and the Chinese Engineering and Mining Company, Ltd., which was concerned with the operations of a company formed for working some coal mines at Kaiping in China.

His Excellency Chang Yeng Mao, Imperial Director General of Mines for the provinces of Chi-li and Jehol, had had the unfortunate experience of finding himself denounced to the Emperor for having lined his own pockets with the proceeds of a fraudulent sale of the mines in question, as a result of which lie had been deprived of his office and given a time limit within which to recover the property. For this purpose he had been permitted to come to England, armed with a voluminous document empowering him to prosecute the action.

During the course of the hearing it was observed that one passage of this document was written in vermilion, and Chang, on being questioned as to the meaning of this artistic licence, quietly observed that it indicated that, if he was unsuccessful, he would lose his head, a reply which so shook Mr. Justice Joyce that he could scarcely be induced even to listen to the defendants' case.

Rufus* Isaacs, who appeared for the first defendants, was under the necessity of cross-examining the plaintiff through an interpreter, since that illustrious personage claimed neither to speak nor to understand English, and a very wearisome task

it proved to be. For the interpreter, on being asked to translate a short letter into Chinese, inquired whether he might give the gist of it as a full translation would probably take twenty minutes ! Rufus Isaacs was not alone in believing that Chang perfectly understood everything that was said without the need of any interpreter, but his blank countenance never betrayed a flicker of comprehension. No one could have conducted an effective cross-examination in such conditions, and the judge was happy to be able to save Chang's life by deciding in his favour.

A further Chancery case followed, again before Mr. Justice Joyce, in which Rufus Isaacs, led by Neville, K.C., later a judge, appeared for Mr. Fletcher Moulton, K.C., who himself subsequently became first a Lord Justice and then, as Lord Moulton, a Lord of Appeal in Ordinary, in an action brought against him by his stepdaughters.

This painful matter, arising as it did out of a family financial dispute, caused Rufus Isaacs great anxiety, since he was a personal friend of Fletcher Moulton and a warm admirer of his great legal, scientific and social gifts.

Next came two highly important trade union cases, the one in the House of Lords and the other in the Court of Appeal, Howden *v.* the Yorkshire Miners' Association and others, and the Denaby and Cadeby Main Collieries, Limited, against the same association, both originating in a strike which had begun in a section of the Yorkshire coal-field in June, 1902.

The former action, to which passing reference has already been made, had been tried before Mr. Justice Grantham in January, 1905. It took the form of an action by Howden, who was a member of the defendant union, for an injunction to restrain the union from misapplying its funds in paying strike pay to men engaged in an unofficial strike. Howden himself was of course merely a nominee of the Colliery Company for the purpose of instituting the proceedings in the hope of bringing the long-drawn-out strike to an end by cutting off strike pay. After much legal argument Howden was successful in obtaining his injunction, but the union at once appealed ; the appeal, being specially expedited in view of the urgency of the matter, was heard five days later, when, after strenuous but unavailing efforts by Lord Justice Vaughan-Williams to settle both the still continuing strike and the action, the court concurred with Mr. Justice Grantham's view. But though they had been obliged to call the strike off and the question had consequently become academic, the union decided to take the case to the House of Lords.

While it was still making a leisurely progress to the highest

tribunal, the Denaby case came on for hearing before Mr. Justice Lawrence in January, 1904, in which the colliery company claimed a total of £125,000 damages from the association, its trustees and other officers for having conspired to induce the men to break their existing contracts and wrongfully induced them not to enter into new ones.

Eldon Bankes, K.C., and Lush, K.C., were the leaders for the colliery company, Rufus Isaacs and Danckwerts, K.C., for the association, and Atherley-Jones, K.C., and S. T. Evans, K.C., for the other defendants.

After a long trial with much evidence and elaborate legal argument the jury answered each of the questions submitted to them in favour of the plaintiffs, and the association found itself condemned to pay a crushing sum by way of damages.

But the end was not yet. In the two cases the colliery company had been obliged to take up attitudes which were completely contradictory. The essence of their claim through their nominee, Howden, in the first case was that the strike was unofficial, in the sense of being unauthorized by the association, and that in those circumstances the association was not justified in paying strike pay to the men, while in the second case they were maintaining the contrary view that the association and its oficials were responsible in damages for having fomented, or at least adopted, the strike.

The Howden case had become an academic issue, since the strike was long since over, but the Denaby case had a very practical importance, if only from the point of view of its effect upon the association's funds and through them upon the scope of its future activities.

Rufus Isaacs accordingly decided to invite the Court of Appeal not to hear the appeal in the Denaby case until the House of Lords had given judgment in the Howden case, in order that he might argue the Denaby case fortified by the decision of the Lords in the Howden case, which would almost certainly support the unofficial character of the strike.

The shrewdness of his strategy was proved by events, for a majority of the House of Lords found for the association in the Howden case, and a majority of the Court of Appeal consequently found themselves compelled to reverse the result of the Denaby case in the court below and to enter judgment for the association, a decision approved unanimously by the House of Lords.

Rufus Isaacs' "appreciation of the situation" had been of the utmost value to his clients and he himself was delighted with the result. For he was not only a convinced believer in the impor-

tance of trade unions as an element in the social and economic welfare of the nation but a genuine admirer of the trade union leaders, whom he had described in his final speech in the Denaby case as "that mainstay of the industries of this country."

In the summer of 1905 Rufus and Alice Isaacs undertook their first social venture on any considerable scale in the form of a reception at the Hyde Park Hotel, at which Mischa Elman, then a youthful prodigy, played. Politics, the Bar and his growing popularity in London society had by this time brought them a number of friends and acquaintances, and the party was a great success. The year was also rendered notable by a maiden speech in the House and by the acquisition of a country house and a motor car.

During the period which had clasped since his election Rufus Isaacs had striven to acclimatize himself as rapidly as possible to his new surroundings and had been somewhat horrified to realize how great would be the additional demands upon his time and strength if he was to give proper attention to his Parliamentary duties. He was in no hurry to make his maiden speech, for he was a great believer in absorbing the atmosphere of any audience before starting to address it, and he soon discovered that to him at least the atmosphere of the House of Commons was singularly elusive. He already knew personally many of the members and the number of his friends was to be greatly increased after the great Liberal victory of 1906, but his difficulty was that he had not the leisure to cultivate their company at the House. He would only arrive there at the end of his day's work in the courts and would then be obliged to devote his limited time to reading the next day's briefs or to familiarizing himself with the debates in the Chamber itself, to the exclusion of the social life of the smoking room. Nor was it solely a question of time but also of temperament. The House of Commons had, anyhow in those days, a high reputation as a club, but he never had any great taste for clubs nor did he by choice frequent wholly masculine society. Indeed, one of the chief appeals to him of dining out in London was the presence of intelligent and attractive women, conversation with whom brought out his best qualities as a talker and afforded a welcome relief from the preoccupations of his working day.

He would often say that no one could hope to qualify for the title of a "good House of Commons man" who was not prepared to be at least within the precincts of the House at all hours of the day or night and to sit through interminable debates in the Chamber itself, and he soon came to realize that he was at a disadvantage with men who were free to devote all their time to

politics, while the bulk of his own energies was being expended elsewhere. His first participation in the proceedings of the House was scarcely of an earth-shaking character. It took the form of a question not for oral answer addressed on May 3, 1905, to the President of the Local Government Board, as to the reasons why the Reading Guardians had not been allowed to provide tea in place of gruel to casuals entering the vagrant wards at night, and asking the Board to reconsider their adverse decision. But the Minister was in unyielding mood and was not to be' inveigled into relaxing the principle of uniformity in the treatment of the casual poor, more especially since the whole subject was at the moment under examination by a departmental committee.

Rufus Isaacs' maiden speech was delayed until the course of the passage through the House of the Alums Bill in July.

The bill had been the subject of a multiplicity of amendments which had so seriously retarded its progress that the Prime Minister, Mr. Balfour, felt obliged to move a resolution proposing that further consideration of the measure should be regulated by a fixed timetable.

This "guillotine" proposal did not, however, commend itself to the Opposition, and after speeches had been delivered against the resolution by Sir Henry Campbell-Bannerman, Sir Charles Dilke and other Liberals, Rufus Isaacs rose to add his protest to theirs against the arbitrary curtailment of discussion upon so important a measure.

He had, as he said in his speech, been reserving himself for this bill, and had therefore not exercised earlier the right of a new member to be called upon to address the House for the first time whenever he chose to intervene. But it may be doubted whether the occasion was well selected, for it was concerned with a question of procedure with which a novice is not best qualified to deal and it only afforded him the opportunity to raise the matter which was chiefly exercising his mind by going outside the strict limits of the subject under discussion. Nor did it lend itself to anything but a brief and unadorned speech. Might he suggest to the Prime Minister, said the member for Reading, that nothing had happened in the discussions on this bill which was not to be expected on a measure of this character, introducing controversial subjects . . . ? Was it proposed that the words which raised the whole question of political refugees were not to be discussed ? Did not that involve one of the most important rights we had been accustomed to give here to those who came to us from abroad ? Did it not involve the question of the safe asylum of this country to those who were persecuted . . . ?

Whether it was a Russian Jew who had been persecuted or an Armenian Christian who had suffered in consequence of his religion, the case could not be brought within the terms "punishment on religious grounds."

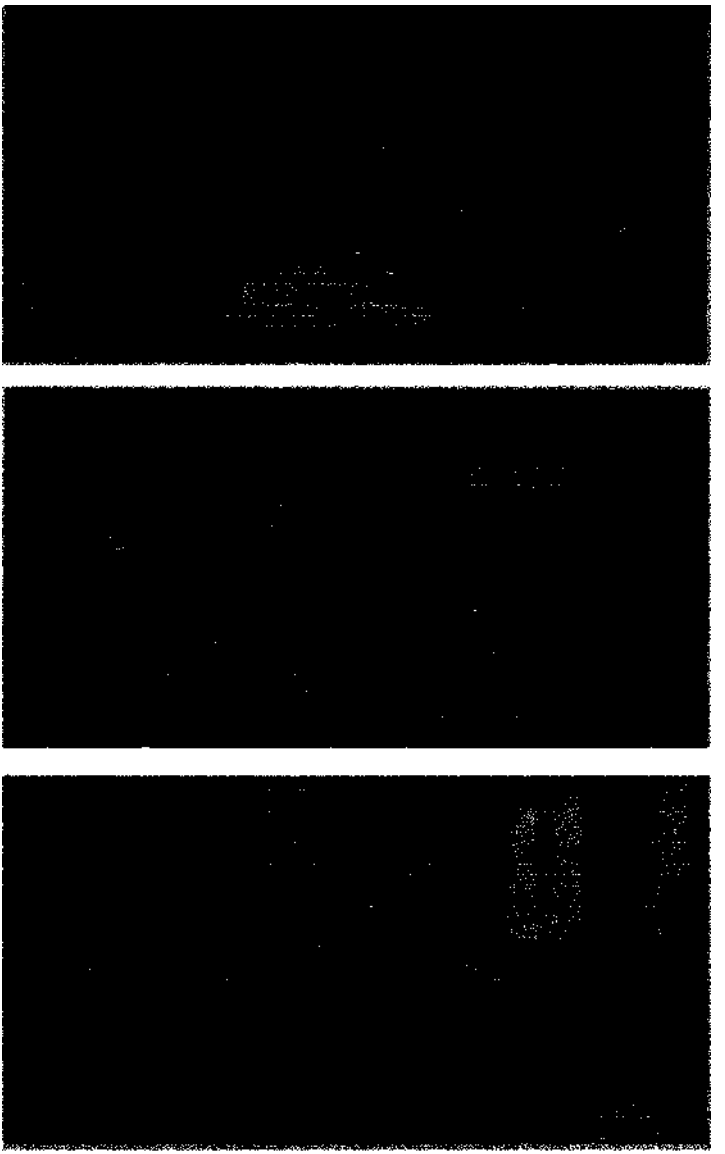
[Mr. Akers-Douglas, the Home Secretary, had offered to insert after the words in the bill which excepted from its provisions those aliens who came to this country in order to avoid prosecution the words "or punishment on religious grounds."

The would-be immigrant, Rufus Isaacs pointed out, would have to show that he was avoiding prosecution for an offence, and even though his life had been made unbearable, if he had not been threatened with prosecution he would not come within the provision. If the proposed concession meant that the Home Secretary desired to exclude from the operation of the clause all who were forced to flee from their country because of persecution on religious grounds, the words were inept for the purpose. If, on the other hand, the right hon. gentleman did not mean to exclude such persons from the operation of the clause, the concession was illusory and not intended to have the effect desired by many members on both sides of the House.

The speech thus largely departed from the general question of the resolution before the House into the special topic of the merits of one section of the bill itself, and Mr. Balfour, who followed at once for the Government, after prefacing his reply by remarking that "the House has listened to the first speech of an hon. and learned gentleman who has a deservedly high reputation in other spheres of activity and whose intervention in our debates I am sure all of us welcome," went on to administer a gentle rebuke to Rufus Isaacs for "having made now the speech which he is afraid he will be excluded by this resolution from making at a later stage."

Rufus Isaacs himself realized that he had neither selected the most favourable occasion nor made the most of the occasion selected ; but the subject was one upon which he felt deeply, and he could not remain silent upon it merely in order to await a more advantageous moment and make a more spectacular d^but. Nevertheless, he was conscious that his performance had been undistinguished and that he had to some extent disappointed the hopes and prophecies of his friends in spite of a reference by Mr. Lloyd George, in answering Mr. Balfour, to "having been interested in the admirable speech of the hon. and learned member for Reading." He was, however, not so greatly discouraged by his initial effort as to refrain from moving some days later an amendment, seconded by Lord Edmund Fitzmaurice, to extend exemp-

MRS. RUFUS ISAACS AND THE DELAUNAY-BELLEVILLE AT FOX HILL



READING'S THREE ELECTIONS, 1910

Top : The Rt. Hon. D. Lloyd George, Chancellor of the Exchequer, addresses a meeting on behalf of the Liberal candidate, Mr. Rufus Isaacs, January, 1910

Centre : After the Declaration of the Poll, December, 1910

Bottom : The new Solicitor-General is returned unopposed

tion from the restrictions proposed by the bill to refugees from persecution based on political as well as upon religious grounds, though the Government were unable to accept it and it was duly defeated on a division.

Since his election as member for Reading it had become necessary for Rufus Isaacs and his wife to be in closer touch with the constituency than could be maintained by occasional visits from London, especially in view of the imminence of a General Election. Moreover, he was anxious to demonstrate to the electors that, though he had come to them originally as a politician and a stranger, he was prepared to remain with them as a fellow-townsman and a friend, and that his confidence in their continued support was such that he did not intend even to await the result of the General Election before acquiring a home in their midst.

He was looking for something not too easily found, a house with sufficient grounds to give him privacy and at least some of the attractions of country life, but at the same time so accessible as to make it easy for his constituents to visit him either individually on their personal affairs or collectively at the annual Liberal fete or on other similar occasions. In June and July he took the Rectory Farm at Streatley, a charming small house at the foot of the Berkshire downs, and he and his wife thence conducted expeditions to view a number of houses in the neighbourhood of Reading.

In the end the decision went in favour of Fox Hill, a late-Victorian house of no great outward charm or character built by the distinguished architect, Sir Alfred Waterhouse, for his own occupation and situated on the then outskirts of the town. It constituted one of the four properties which together made up the Whiteknights Estate, sharing the use of a common lake between them, and, if it was almost too close to Reading, neither Rufus nor Alice Isaacs was greatly addicted to country pursuits. They had played no part in her youth and her subsequent ill-health had prevented her from developing any taste for them in later years. He had long since abandoned riding from lack of time and opportunity and for the same reason had never taken to shooting or fishing. But she was anxious to try her hand at gardening, and he was intent upon getting the fresh air and exercise which golf and lawn tennis provided during week-ends and vacations ; and Fox Hill was able to supply their requirements in both directions.

The gardens, which sloped pleasantly down to the lake, had been little developed, but offered considerable possibilities, while there was a selection of golf courses available in the neighbourhood and a tennis court outside the front door.

The inside of the house was even less promising than the outside, but here Alice Isaacs was in her element ; local antique shops were ransacked, curtains, carpets and wallpapers selected and bathrooms multiplied into almost transatlantic profusion. But, as so often happened, she had to pay promptly and heavily for the additional tax upon her strength and during the ensuing autumn fell critically ill with peritonitis. She had, however, one triumph to comfort her in her illness. Not long before, she and I had paid a visit to an antique dealer in the neighbouring village of Wokingham, where she had so summarily rejected the fake and so unfailingly selected the genuine that the dealer, taking me aside, inquired in an awestruck whisper : ."Is she in the trade ?" This was, in its particular sphere, her greatest moment, save only the one when many years later she bought for a song in a small shop in Brighton an old paste and emerald ring now in my wife's possession, on the back of which her unerring but unflickering eye had detected the inscription : "Emma from Horatio, 1803."

Their first motor-car was an unqualified success. A 20-30 h.p. Renault with an open primrose-yellow body, it created something of a sensation in its youth by being equipped with side doors in place of the then orthodox entry from the back, though the novelty had long since worn off before it was finally put out of commission after ten years' faithful service in 1915.

In those now remote days people went for a run in the car not for the purpose of going anywhere but simply with the object of enjoying an unusual experience, though such jaunts were not rendered more pleasurable by frequent punctures requiring prolonged repair or by a fearsome paraphernalia of clothing to protect the motorist against wind, dust, or cold. At first Rufus Isaacs became greatly addicted to this questionable form of amusement, but his wife found little satisfaction in an open car and it was not long before the Renault was reinforced by a Delaunay-Belleville landaulette for her special use. He never drove himself. For a short while he made early-morning efforts to learn the art in a small Belgian Panhard, in which he careered precariously along the Berkshire lanes. But he soon came to the conclusion that he had no natural gift for driving and that his mind was normally too much preoccupied with other things to make him a safe performer on the road.

There were in any case two good reasons against his success. No one was ever less mechanically minded, and he would never have mastered the intricacies of the engine. He had no curiosity as to how things worked. During his short tenure of the Solicitor-Generalship one of his duties was to hear appeals from the

Controller-General of Patents, and it was with a great sigh of relief that on becoming Attorney-General he relinquished a task at once so foreign to his experience and so uncongenial to his bent of mind.

Moreover, though observant of people, he was singularly unobservant of places, and his "bump of locality" was so deplorable that he was finally reduced to taking on principle the opposite direction to that which instinct suggested.

On his daily departures from his own house for the Temple he was just as likely as not to turn firmly away from his destination and start walking briskly westward. He was very conscious of this failing and, when setting out to walk in a strange place, would deliberately select landmarks to guide his homeward journey. There was a celebrated occasion in Berlin when he went out alone from his hotel and, determined to return unaided, carefully made a mental note of a shop sign in the neighbourhood. But, as ill luck would have it, he selected "Loewe & Wolff," whose shops were at that time as numerous in Berlin as are Messrs. Lyons' in London to-day, and was brought back disconsolate in a taxicab.

Nineteen hundred and five was destined to be a memorable year to its very end, for in December came the trial of Sir Edward Russell (afterward the first Lord Russell of Liverpool) on a charge of having in his paper, the *Liverpool Daily Post and Mercury,* criminally libelled certain of the local licensing justices. Rufus Isaacs went up to Liverpool to appear for him and in securing an acquittal scored in his own considered opinion the greatest triumph of his forensic career.

Consequent upon the passing of the new Licensing Act the whole body of Liverpool justices met early in January of 1905 for the purpose of constituting a Licensing Committee. The proposal had been put forward in the *Liverpool Post* that this committee should be composed of fifteen members, seven Conservatives and seven Liberals, with Sir Thomas Hughes, a highly respected citizen of independent and progressive opinions, as chairman. But the Conservative magistrates, who formed a large majority, had no intention of assenting to so even a distribution and insisted upon the number being fixed at sixteen, ten Conservatives (including Sir Thomas Hughes) and six Liberals. This committee accordingly proceeded under the powers delegated to it to inspect a number of beer houses in the city with a view to considering whether or not their licenses should be renewed, and finally decided to report twenty-nine to the general body of justices as being unfit to be granted a renewal. Their recommendation

being approved, the question then arose as to the amount of the rate to be levied to provide the compensation payable under the provision of the new Act in respect of the twenty-nine houses. The Liberals were in favour of imposing the maximum rate, which would have yielded some £57,000, but found themselves resolutely opposed by their more numerous Conservative colleagues. Sir Thomas Hughes thereupon attempted to secure an agreed compromise by proposing three-fifths of the full rate, which would have brought in some £21,500 ; but the majority were not disposed to make any concessions and carried a motion that one-half the full rate should be levied, the voting being as usual on strict party lines.

This meeting took place on July 12, and on the next day the *Liverpool Post,* a Liberal journal both owned and edited by Sir Edward Russell, published a leading article which was the foundation of the subsequent proceedings.

After a preliminary quotation from a speech by the then Prime Minister, Mr. A. J. Balfour, describing the new Licensing Act as "the greatest contribution ever made to temperance reform,'' the article proceeded :

Now let us see how this greatest contribution ever made to the cause of temperance reform is operating in Liverpool to diminish the number of licenses. Yesterday there was a meeting of the Licensing Committee to fix the rate of the levy on licensed houses to form the compensation fund. Four members of the committee—Mr. Charles Jones, Mr. Henderson, Mr. T. D. Lawrence, and Mr. Doughan—were in favour of fixing the rate at the maximum allowed by the Act. Sir Thomas Hughes, probably feeling that it would be impossible to persuade the committee to impose the maximum, suggested three-fifths. Even this modest compromise was rejected, and the committee decided, by the votes of Sir Charles Petrie and Messrs. Isaac Morris, Oulton, Frodsham, Giles, Menlove, M. P. Jones, and Richardson, to fix the rate at one-half the maximum. These gentlemen will hardly pretend that they were influenced in the course they took by a desire to diminish the number of licences in the city. The sum which it will be possible to raise in the current year at the fixed rate will amount to about £17,500. Now, apart from expenses of administration, which will be considerable, the very modest programme which the bench have decided upon for the present year must involve an expenditure considerably in excess of the total that can be raised by yesterday's decision. The bench have not ventured to propose the extinction of a single full licence, but they have picked out a few of the 69 beer houses in the A and B Divisions for abolition under the Act. Compensation for a few of these, amounting in all to £8000, has been fixed by mutual agreement, and the rest have been referred, as provided by the Act, to the arbitration

of the Inland Revenue Authority. The amount in these cases is not likely to be less than £15,000. The matter, therefore, stands thus : For the extinction of the selected licences, licences which the bench have decided ought to be extinguished forthwith in the interests of the community, a sum of not less than £21,000 is required, and now the Licensing Committee decline to levy a larger sum than £17,500. There is only one explanation of this state of affairs. The dominant party on the bench do not desire to facilitate the working of "the greatest contribution ever made to the cause of temperance reform" $ they do not desire to diminish the number of licences in the city, but rather to hamper and obstruct those who are striving to effect without "gross injustice and discontent" a sorely needed reduction. The effect of the committee's decision will be to make the rate of reduction actually less than it was under the old order of things, a result which 110 doubt was shrewdly foreseen. We congratulate "the Trade" upon the ability and courage of their friends—we had almost said their representatives—on the Licensing Committee.

The publication of this extremely outspoken criticism of the conduct of the eight Conservatives who had formed the majority at the previous day's meeting caused intense excitement in Liverpool, where party feeling always ran high and required no more than a casual spark to produce an explosion. The eight outraged Tories, being of opinion that the article certainly accused them of allowing their judgment as members of the Licensing Committee to be swayed by political consideration and might jjossibly be read as charging them with corruption as well, decided not to waste time or risk compromising their legal rights by asking Sir Edward Russell for a retraction or at least an explanation, but to institute proceedings without more ado. The *Liverpool Post* was a paper of the highest standing and Sir Edward himself was a personal friend of some of them and known to all as an eminent and public-spirited citizen, but they were in no mood to take these factors into account. They decided upon instantaneous proceedings for libel and, not content with the more usual civil action, plunged into the archaic intricacies of a criminal information, for a rule *nisi* for which Mr. F. E. Smith successfully applied to a Divisional Court on July 18.

The matter came up for argument on its merits in an application on August 9 to a Divisional Court to make the rule absolute. Mr. Asquith, K.C., Horridge, K.C. (later the well-known judge), and Hemmerde showed cause against the rule on behalf of Sir Edward Russell and Mr. A. G. Jeans, the publisher of the paper, while Sir Edward Clarke, K.C, W. F. Taylor, K.C. (later Sir Francis Taylor, a Railway and Canal Commissioner),

F. E. Smith, and W. H. S. Oulton (later a Metropolitan Police Magistrate) appeared on behalf of the eight justices in support of the rule, which was duly made absolute against Sir Edward, Mr. Jeans being dismissed from the proceedings.

An order having been made that the case should be heard in Liverpool, the next stage was deferred until December 7, when the trial opened in St. George's Hall before Mr. Justice Bray, then recently promoted to the Bench, in a court packed to capacity with excited spectators. The same counsel were present as had appeared before the Divisional Court except that Sir Edward Clarke had been unable to make the journey to the north and Rufus Isaacs had been substituted on the other side for Asquith, whose great legal talents were better suited to the Olympian calm of the Privy Council, where his main practice lay, or of a Divisional Court on the argument of a point of law than to the more electric atmosphere of a criminal trial.

Given the personalities, the place and the subject concerned it was impossible that public opinion in Liverpool should not be sharply divided or that the division should not be largely on party lines. In a city where most men's politics were well known the composition of the jury aroused intense interest, for it was recognized that, though they would no doubt make every possible effort to judge the issue impartially, the strength of local feeling was such as to make it very difficult for them to rid their minds of all bias.

When the jury entered the box, the *cognoscenti* decided that there were among them eight Conservatives and four Liberals, and that the task of the defence would be hard.

After Taylor's opening speech, as lucid and dispassionate as might be expected from a counsel of his lofty standards of professional conduct, the evidence for the prosecution began, the first witness of importance being Mr. Sanders, the clerk to the justices. In his answers to Mr. F. E. Smith he dealt chiefly with the history of the licensing Committee's activities, the examination proceeding without incident or interruption ; but at an early stage in his cross-examination Rufus Isaacs perceived that he would be forced to take a very firm stand not only with the witness but with the judge. Openly to fight the occupant of the Bench was contrary alike to his habit, his policy and his sense of the part to be played by the Bar in maintaining the dignity of the law ; but, if the maintenance of his own position and the interests of his client combined to impose such a course upon him, he had no intention of shirking it.

Before he had progressed far with his cross-examination, he put to Mr. Sanders the question :

"Was there, apart from the justices altogether, within the city of Liverpool during the few years preceding the new Act of 1904 a powerful movement in favour of the reduction of licences within the city of Liverpool ?"

Witness : "I have heard of such a movement, but the action was actually done by the Bench."

R.I. : "You mean that whatever the movement was, it could only become effective by the result upon the Bench ?"

Witness : "This is not quite the position. It is this——"

The Judge : "You must answer Mr. Isaacs' question, you know."

Witness : Mr. Isaacs' question assumes that some persons caused the justices to take a certain course. That is not so ; the justices took it themselves."

R.I. : "To make it plain—"

And then came a surprising and quite unjustified interposition from the Bench :

"You are suggesting that the witness is not making it plain. You must be fair."

R.I. : "I strongly protest against your Lordship saying that."

The Judge : "I have said it."

R.I. : "It is in the power of the witness to make it plain."

The Judge : "He tells us he is anxious to answer, to put it in another way."

R.I. : "If your Lordship had waited a moment you would have seen what I was asking. You cannot judge of a question until you have heard the whole."

This passage set the key for much that followed.

After Mr. Sanders came Mr. Isaac Morris, leader of the Conservative element on the Licensing Committee, who had been responsible for the invitations to the other members of the party to serve. Rufus Isaacs relied upon two defences, that the article had not passed the bounds of fair comment upon a matter of public interest and that the criticisms which it contained were justified by the facts ; and he was therefore intent upon establishing that the whole matter was dominated by political considerations. He was greatly, though reluctantly, helped toward this end by Mr. Morris, who, in answer to a question in cross-examination as to the advantage to the Conservative Party of having effective control of the Licensing Committee, replied : "I can assure you that politics were not introduced into the matter except in so far as forming the two parties or two sets of men."

R.I. : "Did not that give you a political advantage ?"

Mr. Morris : "No."

R.I. : "Why was it done, then ?"

Mr. Morris : "To represent the two parties on the Bench."

R.I. : "And why should the two parties on the Bench be represented ? Why should the Conservatives be anxious to have a majority if it was not to give the Conservatives a political advantage ?"

Mr. Morris : "You put a very difficult question."

(Laughter.)

And later :

R.I. : "You thought it was an advantage to have the Conservatives in a majority ?"

Mr. Morris : "Yes, on the Bench and everywhere else."

R.I. : "And, thinking that, you were desirous to get a majority on the Committee ?"

Mr. Morris : "Yes. The facts are there. We can't dispute them."

Next came Sir Charles Petrie, a former Lord Mayor of Liverpool, who made the most valuable admission that he regarded it as quite inconceivable that Sir Edward Russell should ever impute to him any personal motive or corruption or dishonesty, and that he had never thought that Sir Edward had meant to make any such imputation against him in the article of which complaint was made.

Three more of the eight were then called, after which Mr. Taylor announced that he did not propose to call the others since their evidence would be mere repetition, and Rufus Isaacs began his first speech to the jury. He had a theme after his own heart, for he was pleading the cause of freedom to criticize, in speech or in writing, those who took part in the public life of the country, provided always that the criticism did not go so far as to charge dishonesty or corruption, the right of a man to comment upon the actions of another, no matter how exaggerated or prejudiced might be the terms used, provided that they did not exceed the limits of fairness and were confined to matters of public interest.

"I don't hesitate to say in a public court that not only was Sir Edward Russell entitled to make the observations contained in this article upon the action of these licensing justices in Liverpool, the predominant political party on this committee, but that he was entitled to comment upon the action of a judge upon the Bench, and upon the action of all the magistrates in every court throughout the country. The days are not coming in this country when criticism of those holding public positions is to be narrowed down by elaborate technicalities and microscopic examination of every bit of the phraseology used in this article. Long ago,

in the reign of George III, this question was fought out after a bitter controversy, with the fight for freedom in this country which was then fought between the people of this country and the judges of the country, and which led to the Act of Parliament which we lawyers know as Fox's Act. That Act establishes this one great principle, the fundamental principle of justice in this country—that the question whether an article is a libel or not is not to be decided by the judge, however strong his views may be, but the question is to be decided by and left by him to the consideration and determination of the jury. That is the law of this free country."

And at a later point : "As Mr. Frodsham [a solicitor and one of the eight justices], the last witness—who, I suggest to you, in a burst of candour let the cat out of the bag (laughter)—said in his evidence : T believe they (that is, the liquor interest) do support the Conservative Party, and there is good reason why they should.' (Laughter.) Gentlemen, that observation of Mr. Frodsham's is the answer to the whole of the case."

And by way of peroration :

"Sir Edward Russell is not here, by my hands and by my voice, asking you to deal with this case mercifully. What he is asking and what he is begging of you to do is to deal with this case carefully and impartially, whatever your political views may be : deal with him as an honourable citizen, holding the views that he has published bona fide in his criticism, which he was entitled to administer to a public body ; deal with him as an honourable man, who says he never intended what has been alleged against him that he did intend ; deal with him who has in this, as in everything else throughout his life, been so well known to you as a man anxious to continue in the path of sweetening and purifying the city to which he has the honour to belong, and which has the honour of claiming him as one of the foremost of its citizens."

The evidence for the defence was then called, consisting of Sir Edward Russell himself, two of the six Liberal members of the Licensing Committee, the Bishop of Liverpool and Sir William Forwood, an ex-Lord Mayor and the senior member of the City Council, the two latter to testify to Sir Edward's long and deep interest in temperance reforms and to the necessity for the reduction of licences in the city. None of them was cross-examined at great length and Rufus Isaacs was soon once more addressing the jury, this time in his final speech.

After criticizing the putting into operation of the criminal, as distinct from the civil, law in the case, he passed to a detailed analysis first of the article and then of the evidence given in

regard to the matters which the article had attacked, insisting all the time upon the vital importance of free criticism—"Take away the right of free comment and you take away one of the greatest rights of freedom"—until he approached his last words.

"Gentlemen, in conclusion, don't you think that Sir Edward Russell has amply, aye, more than amply, most fully and completely vindicated the attitude, the position he has taken from the start ? Whatever else may be said of Sir Edward Russell, no one can suggest that he is anything but a high-minded, honourable man, actuated by the purest motives. Don't you think that holding that position, and from that point of view, it might have been assumed that he was dealing honestly and bona fide with this question ? Gentlemen, in conclusion, am I asking too much of you, am I putting my case too high—I trust not ; I intend not—when I say that this case can be entrusted to your care for your decision and for your judgment, without regard to a consideration for political parties, whatever your view of politics may be ; that you will regard this case as men to whom great and important interests are confided ; and that you will see your way to doing your duty and acting boldly and independently, notwithstanding that it may be my lot, or rather Sir Edward Russell's lot, to have a view indicated which may be against him ? I do not know—but notwithstanding that that may be, even supposing that my Lord took a far stronger view against Sir Edward Russell than I am sure he will take, and even supposing my Lord took a view which indicated to you that he thought if it was left to him, or anything of that kind, that on the whole there ought to be a conviction—you will give of course, rightly and properly, far be it from me to suggest otherwise, due weight and consideration to every word that falls from my Lord on the Bench, but if it conflicts with your views, after you have given due weight and consideration to what my Lord has said to you, gentlemen of the jury, vindicate your position, stand firm, give your verdict in favour of an acquittal, if you think it right, whatever the views may be that may be put to you in the summing-up."

After a dignified and restrained speech from Mr. Taylor, in which he gave warm praise to his opponent's skill and eloquence, and a summing-up by the judge not less hostile to the defendant than Rufus Isaacs had expected, the jury retired, but only for eighteen minutes. The announcement of the verdict of not guilty was received with loud and repeated cheers in court, which soon extended through the corridors to the large crowd assembled outside St. George's Hall $ and, as Sir Edward and Lady Russell left the building, they found themselves besieged

by the outstretched hands of friends anxious to offer congratulations. Both Sir Edward and his paper publicly paid generous tribute to Rufus Isaacs' efforts as being in the highest tradition of the Northern Circuit.

It had certainly been a remarkable feat at that moment to wrest a verdict in favour of a Liberal defendant from a jury in the Conservative stronghold of Liverpool in a trial where the political issue had been deliberately raised on the defendant's side. For a General Election was imminent and party feeling was everywhere running high.

The Conservative administration, worn out by ten years in office and torn asunder by internal dissension, had for some time been plainly limping toward dissolution. The failures of organization and administration revealed by the South African War had not yet faded from men's minds, but the Government seemed to have made little effort to remedy the obvious defects. Their Education Act of 1902 had infuriated the Nonconformists. Their refusal to introduce legislation to reverse the various legal decisions which during the first years of the century had laid the funds of trade unions open to unexpected danger, had alienated organized labour. Above all, Mr. Joseph Chamberlain's vigorous campaign in favour of tariff reform had not only rallied against the Government all Free Traders throughout the country, but had caused within the Conservative Party itself differences of opinion which had already produced important defections and seemed likely to result in more.

The stage, therefore, seemed set for a change of Government, though few prophets would have been bold enough to foretell the ensuing cataclysm, for the Liberal Party also was not without its internal difficulties.

The passing of time had to some extent obliterated the sharp divergences of opinion occasioned by the South African War, but the personal feuds lived on $ and when in December, 1905, the Government resigned and Sir Henry Campbell-Bannerman was sent for by King Edward and commissioned to form a new Government, his path was beset with troubles. The Liberals, who had wandered so long in the wilderness, found themselves within sight of the Promised Land, but its final occupation was not to be carried into effect without much preliminary negotiation and not a little heart-searching among the potential leaders of the host.'

The formidable triumvirate, Asquith, Haldane and Grey, had their own views as to the terms upon which they would consent to serve under a Prime Minister whose capacity they mistrusted

and whose intellect they despised. But Sir Henry Campbell-Bannerman had no intention of being "kicked upstairs" into the House of Lords as Prime Minister in name only, while the real functions of government were exercised in the House of Commons by his rebellious lieutenants, and he proceeded to display a disconcerting degree of energy and resolution. Harmony was, however, in the end at least superficially restored and the new Ministry constituted to the outward satisfaction of all concerned. The allotment of offices removed from private practice five prominent King's Counsel : Asquith to the Exchequer, Haldane, reluctantly—for he wanted to be Lord Chancellor—to the War Office, Sir Robert Reed as Lord Loreburn to the Woolsack, and Lawson Walton and Robson to the Law Officerships. There were some who thought that in view of his standing at the Bar Rufus Isaacs might be Solicitor-General in spite of his brief experience in the House of Commons, but he himself fully recognized Robson's superior claims and was content to await the moment when a vacancy should again arise.

Meanwhile he had again to defend his seat at Reading, but on this occasion his task was an easier one, for not only was his opponent, Mr. G. H. Johnstone, a young man new alike to politics and to the constituency, but he himself and his wife had already endeared themselves to their supporters and had shown their confidence by the acquisition of Fox Hill. Moreover, tlie tide was running breast-high in their favour and the result was as much a foregone conclusion as it could ever be in a constituency hitherto so changeable in its allegiance.

Rufus Isaacs fought the election mainly upon the Free Trade-Tariff Reform issue, also making great play from his special knowledge and experience of the need to secure the position of trade unions and insisting upon the urgent necessity of Army reforms. Of Home Rule, which inevitably raised its head as a topic as soon as there was again the prospect of a Liberal Government in power, he said as little as possible. He was prepared to accept it as a historic, even if inconvenient, plank in the Liberal platform, but he never pretended to any ardent enthusiasm for it, fearing always that in time of crisis the existence of a separate Government in Ireland might constitute a source of danger to Great Britain, and disliking also the possibilities of religious oppression of the Protestant minority.

One of the main lines of attack upon the late Government throughout the country was based upon their alleged introduction of "Chinese Slavery" into South Africa, the accusation being that they had promoted, or at least sanctioned, the shipping of large

numbers of coolies from China under indentures which were so onerous in their terms as to be indistinguishable from slavery. Posters depicting gangs of these unfortunates chained together at their work under the eye of an overseer armed with a heavy whip, and much electioneering capital was made out of stories of their miserable lot.

Rufus Isaacs had sufficient doubts as to the accuracy of the facts and the genuineness of the agitation to refuse to make more than passing reference to a topic which elsewhere was being thrust into the forefront of the battle, and in the result he had 110 reason to regret his reticence. For he was returned with a majority of 697, the largest he was ever to have during his Parliamentary career.

The new House of Commons was a very different one from its predecessors. Among the vast body of Government supporters there was a horde of new men, all anxious to distinguish themselves and all firmly discouraged by the Whips from making the speeches which were to establish their reputations in the House and in the country. For the Government had an immense programme of legislation before it, and the last thing that Ministers wanted was that precious time should be taken up by back-benchers in quest of promotion. It was therefore a distinct advantage to have been even for a short while a member of the previous Parliament, and also to have made so secure a reputation outside the House as to be accepted as marked out for one of the offices for which legal qualifications were required without the need of constant attendance or frequent participation in debate.

Here Rufus Isaacs was fortunate ; for his practice made such heavy demands upon him as to leave little time for his actual presence in the House, and the late hours still further curtailed his already brief allowance of sleep.

Nevertheless, his strong constitution contrived to resist the pressure upon it, and the possession of a house at Reading contributed greatly towards keeping him fit and well. He never made the mistake of endeavouring to make up for lack of exercise during the week by excessive activity during the week-end, but contented himself with a gentle round of golf or a mild game of tennis, spending the rest of the time in sleep or in wandering round the charming garden which had rapidly taken shape under his wife's direction. He never pretended to an absorbing passion for gardening, being satisfied gratefully to enjoy the results of other people's labours, and he was ignorant of the names of all but the most **obvious** flowers. But by diligently studying the labels he learned **the** names of all the roses, each variety in its separate bed, and he

would recite them to unsuspecting visitors with a great show of knowledge and a mischievous twinkle in his eye.

Few people meeting him for the first time at that stage of his life would have taken him for a phenomenally successful advocate approaching his fiftieth year.

He had always been a very handsome man, but the smooth good looks of youth had now given place to the maturity of middle life and his finely cut features had sharpened into the profile of a Roman tribune, giving him what his wife used to call, as an apt variant upon the more usual comparison, "his Red Indian look."

With his bright eyes, still jet-black hair and spare figure, he looked ten years less than his age ; while the high spirits which had not deserted him from his earliest days still further accentuated the youthfulness of his whole demeanour.

The change in his fortunes had been so swift and so tremendous that it might well have led him into pomposity or conceit, but no one was ever less pompous or conceited. Indeed, he gave the impression that it seemed to him a huge joke that anyone who had begun his career so inauspiciously should have achieved so much, and the mere fact that in his life he had broken all the copy-book precepts for success gave an added savour to his enjoyment of it.

He made no secret of greatly enjoying his success and the added comfort and security which followed upon it ; but, though he had acquired a new self-assurance, he retained a wholly sincere modesty which was among the main reasons for his widespread popularity.

During 1905 he had been elected a Bencher of the Middle Temple, one of the most agreeable distinctions that can befall a member of the Bar, giving as it does not only the opportunity to participate in the government of the Inn but the right of entry into the special rooms reserved for the use of the Bench and into the fellowship of a most friendly company of men. It may not be without interest to record that by a unique coincidence I succeeded early in 1936 in the ordinary course of seniority to the vacancy among the Benchers left by my father's death.

The year 1906, busy and lucrative though it was, yet did not contain a single case of the sensational class with which his name was now coming to be chiefly associated by the public.

It was, however, marked by his first serious and sustained incursion into the debates of the House of Commons, and he was fortunate in finding ready to his hand a topic of first-class importance and urgency on which he was recognized as speaking with expert knowledge.

One of the first legislative acts of the new Government was to take steps to restore the trade unions to the position which they had held before the House of Lords in the Taff Vale case had held them liable to actions for tort. Every Liberal candidate had pledged himself to such a course, but there was less harmony of opinion as to the method to be adopted and the degree to which it was to be pursued.

There were two main alternatives, the first to confer upon trade unions an immunity from tortious acts which would in effect give them a privileged position in relation to the law such as was enjoyed by no other individual or body, the second to extend to them the provisions of the existing law as regards agency by making their funds liable to damages only for such tortious acts as could be proved to have been done with the authority of their responsible officials.

The sefcond alternative was that preferred by Rufus Isaacs, indeed by legal opinion in general, and a bill framed upon those lines was accordingly introduced by Lawson Walton as Attorney-General in March, 1906.

But the other school of thought had champions in the House who, though numerically few, were in the strong position of being in the closest touch with organized labour and able to influence an alarming number of votes. For the result of the General Election had not merely been a manifestation of discontent with the late Government but a portent of the rise of a new and still incalculable force. In the new Parliament the Labour Party had made its first appearance, and it gave early evidence of its power by creating in alliance with the more radical element among the Liberals a violent opposition to the Government measure and by introducing a private member's bill of its own based upon the doctrine of complete immunity.

The Prime Minister was accordingly faced with the necessity for deciding whether to continue with his own bill and risk incurring the enmity of a section of his followers, small inside the House but very numerous throughout the country, or to jettison his bill in favour of the unofficial proposals in the hope that his more disciplined supporters would accept the change. He decided to allow the tail to wag the dog and to advise the House to vote for the second reading of the Labour Party's bill, which was thereby accepted in principle, a new Government bill being hurriedly drafted and introduced in April on lines not dissimilar from the private member's bill which it was designed to supersede.

Rufus Isaacs took part in the debate on the second reading

of this measure, following Mr. Balfour, the leader of the Opposition, who, after his startling defeat in Manchester at the General Election, had by a convenient resignation been enabled to return to the House as one of the members for the City of London.

Although he would have preferred the original Government bill with its restrictions upon complete immunity, Rufus Isaacs had no conflict of conscience in supporting the revised version ; for, as he insisted in his speech, all that it in fact proposed to do was to re-establish what had been almost universally believed to be the law in regard to trade unions before the House of Lords had decided the Taff Vale case, and the country had given convincing proof that, whatever the legal implications, it was in favour of the unions being restored to their privileged position.

His speech was effective, for it was delivered with all the authority of his long and intimate experience of trade union cases ; and he was also able to make valuable contributions in the later stages of the bill's progress toward the Statute Book. If none of his utterances won him the fame that a single dazzling display of virulent rhetoric brought overnight to F. E. Smith, at least he never attempted to emulate that historic *tour deforce.* One of his greatest assets was that he never forgot his limitations.

But he had given substantial proof of his value in debate on matters within his own sphere of knowledge, and had not only been admitted to work in close co-operation with the Law Officers of the moment but had shown himself to be of such stuff as Law Officers are made of against the time when a vacancy should occur.

Nor was his public service in this year confined to the political field. A series of cases had recently occurred in which persons arrested by the police in the West End of London had been able to satisfy the courts that they were wholly innocent of the grave charges made against them ; and public opinion became seriously perturbed as to whether all was well with the force in which it had hitherto reposed such implicit faith. Thereupon the Government, realizing the urgency of restoring confidence between police and public, promptly appointed a Royal Commission under the chairmanship of Mr. W. H. (later Lord) Dickinson to inquire into the whole matter. Rufus Isaacs was invited to become a member of this body and took a very active part in the proceedings, questioning most of the witnesses on behalf of his colleagues.

One night during the period of the Commission's activities my father and I had been to a theatre, and on the way home he was seized with the idea of visiting Vine Street Police Station and finding out for himself what went on there. We accordingly marched in,

only to discover that uninvited callers in evening dress were not made notably welcome. But the production of a visiting card brought about a change of atmosphere as rapid as it was complete and we were soon being conducted over the premises, finishing our tour at the cells. As ill luck would have it, when one of the doors was opened it revealed an acquaintance of mine who at an earlier hour in the evening had drunk himself into the care of the police, but was unfortunately by that time sufficiently restored to consciousness to recognize me and advance with hand gratefully extended in the belief that I had come to bail him out. It was an embarrassing situation for a boy of seventeen, but my father handled it with perfect correctitude, merely remarking, as we subsequently left the station, that it was always useful to have friends, even in the most unlikely places.

The year 1907 was again one of heavy commercial cases carrying substantial fees, with only two appearances in trials attracting widespread publicity, the "Gaiety Girl" divorce suit and the great soap libel action.

In each of these Sir Edward Carson, freed by the fall of the Conservative administration to resume private practice, was also engaged, and there began between him and Rufus Isaacs that long series of duels which marked the remainder of the latter's career at the Bar.

They had as members of the same Inn been for years past on friendly terms and had also found themselves opposed to each other in the Krause case and others during Carson's tenure of the office of Solicitor-General, and it was only now that they began to find themselves in almost daily rivalry.

It might be thought that between two men continuously in opposition under the strain imposed by the conduct of cases in the courts there would be engendered a growing process of getting upon one another's nerves. But between Rufus Isaacs and Carson constant association, so far from breeding on either side resentment in defeat or arrogance in victory, only served to increase their mutual respect for each other's qualities and to kindle a real and deep affection which neither the passing of years nor acute divergence of political views could dim.

In the end they were to die within a few weeks of one another ; and as they lay ill, the one at Walmer, the other close by at Minster, messages of inquiry would pass daily between them and Carson's gleath was a sad blow to his old and failing friend.

Carson once said : "In all the cases in which Rufus and I were against each other we only once had a serious row, but that lasted a long time. For it took place in court about twelve-thirty,

and when I went down to my lunch, there was he already eating his without having ordered anything for me !"

The remark not only shows how warm and intimate were the personal relations between the two outstanding advocates of their day *j* it surely also indicates that in few other professions can there exist so much generosity and so little jealousy, so much good will and so little bad blood.

No two men could have provided a more complete contrast alike in appearance and in methods.

Carson, tall, lantern-jawed, his protruding underlip sullen in repose and menacing in action, would sit in court with his antique wig thrust back from his forehead and his gown festooned from his elbow joints, apparently sunk in gloomy thoughts of his own, only to spring to his feet when the moment came, alight for battle as if an electric current had suddenly been turned on within him.

In cross-examination, of which he was a master, he used his dominating presence and great prestige to subjugate the witness's will to his own ; and, though he never made the mistake of attacking a witness merely for the sake of so doing, no one could be more alarming if the need arose. With sweeping arm and flashing eye he would hurl one deadly question after another, his Irish brogue gaining richness as the duel neared its climax. He had wit and he used it often with devastating effect, for his wit was apt to be barbed. Like all great jury advocates—and at least in Rufus Isaacs' view he was the greatest he had known—he had in him much of the actor ; though he never stooped to melodrama, he could be immensely dramatic, carrying juries along the tide of his passionate eloquence and communicating to his audience the intensity of his own belief in the justice of his cause.

Beside him Rufus Isaacs seemed physically a small man in spite of his 5 feet 10½ inches. Wig and gown always in place, he would sit ever on the alert with eyes watching every detail of the scene. Nor did his manner, collected and composed, undergo any marked change when he rose to cross-examine a witness or address a jury. As a cross-examiner suave and soft-voiced, he used the rapier rather than the sabre; as an orator almost colloquial, he talked to the jury in friendly, confidential tones.

Thus, with the contrast of method imposed by their differences of temperament and physique, the two would do battle together day after day. Rufus Isaacs was endowed with a strong constitution and rarely suffered from any more serious complaint than tiredness and occasional attacks of gout. Carson had always a slightly hypochondriacal strain. He would come into court in the morning and say to his opponent : "My dear Rufus, I don't

know how I shall get through the day. I ought to be in bed," subsiding into his place in huddled misery until the moment came for him to go into action. Thou away would fly all the symptoms and aches and pains, and for the rest of the day he would conduct an intricate and exhausting cross-examination without a sign of sickness or fatigue. It may only be that time has magnified these great adversaries to heroic size, but it is not easy to find among their successors another pair whose mettle was so well matched or whose combats so dominated the forensic stage of their day.

The "Gaiety Girl" divorce suit, so called by the Press from the fact that the respondent had before her marriage been on the musical-comedy stage but properly known as Bryce *v.* Bryce and Pape, was chiefly remarkable for the lack of good sense with which all three parties had behaved and for the laborious imbecility of the cypher used by the co-respondent in his letters to the respondent, for example : "Yapou sapaid yapou caparaped fapor mape" for "you said you cared for me."

The main interest of the case in retrospect lies in the fact that for once Rufus Isaacs and Carson were working together instead of in opposition, for Rufus Isaacs represented the respondent and Carson the co-respondent, while Duke brought all his heavy artillery into action on behalf of the petitioner.

Bryce had met his wife, then of the Gaiety company, when he was at an Army coach's establishment and in the face of strenuous family opposition had later resigned his commission in order to marry her and had gone on the Stock Exchange.

She was an attractive and popular woman, and, although her husband had had to spend more time than he wished in taking her to social gatherings and race meetings, their married life and his business career had both prospered until 1905, when she first met Pape, censoriously described by Duke as "a young man who, having been educated at Eton and Oxford, had acquired a certain social vogue and had contrived to obtain admission into the best class of English society."

Thereafter Pape frequently visited and corresponded with Mrs. Bryce and also became on the friendliest terms with her husband. The three stayed together in Scotland, at Monte Carlo, and elsewhere ; and there were occasions, with which Rufus Isaacs and Carson made great play at the trial, when they had gone off on expeditions with a "Miss A" making a fourth.

Later Bryce had been informed by his mother that there was current talk of a liaison between his wife and Pape, and on the advice of Sir George Lewis he had employed detectives to watch

them. But before they had been able to report more than suspicious circumstances at Windsor and at Bembridge he found Pape's letter and thereupon summarily broke off all relations with his wife and instituted proceedings.

It was obvious from his letters that Pape had been in love with Mrs. Bryce and not less obvious from the evidence that they had placed themselves in situations from which it would be at least possible for the jury to infer that adultery had taken place between them. The only question was whether on the evidence as a whole the jury would be prepared to draw that inference.

Rufus Isaacs conducted his case on the lines that the whole sordid tangle had arisen from the impetuousness of Bryce and from the indiscretion of Mrs. Bryce and Pape, and that, once all these unhappy misunderstandings had been cleared up, there was no reason why the Bryces should not resume a harmonious married life. Carson contributed a scathing indictment of his own client's behaviour in putting an innocent woman into so false a position, and incidentally demolished in cross-examination the one witness, a chauffeur, who spoke of any acts of demonstrative affection between Mrs. Bryce and Pape. Rufus Isaacs realized that the jury would hesitate to break up two young people's home so long as there remained a chance of its being re-established, and Carson saw that it was hopeless to try and enlist sympathy for his own client, whose interests would best be served by following up Rufus Isaacs' line and appealing to their hearts on behalf of Mrs. Bryce. Their tactics proved successful, for after a trial lasting fifteen days the jury found that there had been no misconduct between Mrs. Bryce and Pape, though they added a rider severely censuring the co-respondent for his behaviour.

The case of Lever *v.* Associated Newspapers, Ltd., tried at Liverpool in July of the same year, was of a very different order.

In the previous year Messrs. Levers, the famous soapmakers of Port Sunlight, had found themselves faced with a rise in the cost of raw materials, due in the main to their increasing use in butter substitutes ; and during the autumn they had been in negotiation with other manufacturers with a view to forming a combine in order to avoid passing on the increased cost to the consumer. They ultimately decided to sell Sunlight Soap, which had previously been sold in 16-ounce cartons for 3d., in 15-ounce cartons at the same price, printing on each carton notice of the change in weight.

These proceedings attracted the unfavourable attention of Lord Northcliffe, who came to the conclusion that the public were not being fairly treated and that it was his duty to attack

Messrs. Levers in his papers. Accordingly in October, November and December, 1906, both the *Daily Mail* and the *Evening Standard* conducted a campaign, the gist of which was to accuse Messrs. Levers of having sold their soap in such a fraudulent manner as to deceive the public as to its weight, with subsidiary charges of having "cornered" all the raw material in the market, dismissed large numbers of employees owing to the formation of the combine, attempted to bribe the Press, and used unsavoury fish oils in the manufacture of certain of their brands.

This carefully planned and vigorously delivered onslaught had an immediate and alarming effect. Shares in Levers fell in value by as much as 50s. a share ; trading losses were incurred, and it was soon found necessary to revert to the 16-ounce carton in order to preserve the goodwill of the business.

Obviously Levers' whole existence was at stake, and it was essential that they should take the earliest opportunity publicly to rebut these most grave allegations. They accordingly instituted proceedings for libel, in which the newspapers set up the defence that their charges were not only fair comment on a matter of public interest but were substantially true.

The case, which naturally aroused immense interest, came on for trial before Mr. Justice A. T. Lawrence at Liverpool in July, 1907, Carson and Horridge leading for the plaintiffs with F. E. Smith and Hemmerde as their juniors, while Rufus Isaacs, Duke, K.C., Norman Craig and Branson represented the defendants. After a powerful opening speech by Carson, Mr. W. H. Lever (later the 1st Viscount Leverhulme) gave evidence as to the untruth of the accusations and their detrimental effect upon the company's position.

Cross-examined by Rufus Isaacs, he said that he considered it his duty to tell the customer of the reduced weight.

R.I. : "Then why simply alter the wording slightly on the inner flap of the carton, instead of putting it outside ?"

Mr. Lever : "For several reasons, one in regard to printing."

R.I. : "Why not have put it in a prominent place ?"

Mr. Lever : "I am perfectly sure, wherever we had put it, it would not have pleased you, Mr. Isaacs." (Laughter.)

R.I. : "Do you know that, before the first article appeared in the *Daily Mail*, there was a meeting in Birmingham, at which a resolution was passed about what was called the 'Trick of the fifteen'ounces' ?"

Mr. Lever : "I do not. I think, if it was so, it was very unfair."

R.I. : "That is for the jury to determine."

Rufus Isaacs had put a bold face on his cross-examination, but he was conscious of being in serious difficulties which were not diminished by the good impression made by Mr. Lever in the witness box or his high standing as an employer in the locality. The material available to support the plea of justification was of the flimsiest, while the articles in the papers had been expressed in terms which might well be regarded as exceeding the bounds of fair comment, even if the facts upon which the comment had been based could be shown to be true.

He had realized from the outset that his prospects of success were extremely remote and that, if he persisted to the end with the defence of justification, not only were the damages likely to be enormous, but the reputation of the papers would undoubtedly suffer. On the other hand, if he abandoned his defence there was no other course open but unconditional surrender.

He therefore decided to let the case continue until the plaintiff's evidence was complete in order that he might at least be able to review the position in the light of the effect of his cross-examination.

Mr. Lever left the box at the end of the second day of the trial and at the sitting of the court the next morning Rufus Isaacs withdrew his defence, stating that in view of Mr. Lever's evidence and the impression made by it upon himself and his friends it was impossible for his clients to continue their defence upon the lines along which it had been prepared, and that under the circumstances the only proper and honourable course for the newspapers was to withdraw without reservation of any sort. It was right that the case should be dealt with in a generous spirit, and there would therefore be no issue for the jury except damages.

This course had been finally decided upon at a most informal consultation held earlier in the morning in Rufus Isaacs' sitting room at the North Western Hotel and so hastily convened that he himself was walking about unshaved and in a dressing gown. Duke, similarly clad, was thoughtfully balancing a large sponge on the end of his fingers, Branson was armed with a toothbrush, while Norman Craig put his colleagues to shame, looking with his beautifully brushed hair and resplendent dressing gown like a champion boxer about to enter the ring.

No sooner had Rufus Isaacs announced his decision than Carson was on his feet protesting that his clients would accept no compromise but must have the verdict of the jury, and adding that the course adopted had taken him by surprise and that he required time to bring witnesses as to the amount of the damages. But Rufus Isaacs, having made his gesture, had no intention of

haggling or of embarking upon a long inquiry as to the appropriate amount. He was content to take Mr. Lever's own estimate of the measure of his loss and, when a figure of £50,000 was named, he accepted it without demur.

It was an immense sum, especially in those days, but no one appreciated more fully than his clients that, when once success was out of the question, their best interests would be served by unconditional recognition of the inevitable.

In November of 1907 Rufus Isaacs found himself in unfamiliar surroundings, appearing before a military Court of Enquiry which sat for five days at Chelsea Barracks to investigate the case of Lieutenant Woods of the 2nd Battalion, Grenadier Guards, and to record their opinion whether certain adverse reports made upon him by various senior officers were unbiased and justified and also whether any officers of the Battalion had brought pressure upon Lieutenant Woods to induce him to resign his commission.

The court found that Lieutenant Woods lacked powers of leadership and had not the faculty of associating himself with the working and interests of his Battalion and that he was not a suitable person to remain in the Service. But they added that reports upon him had been couched in unnecessarily harsh and abrupt language, and they strongly deprecated the practice of superior regimental officers advising a junior to resign his commission, in however friendly a spirit the advice might be given.

In spite of the double strain imposed upon him, Rufus Isaacs did not allow preoccupation with his practice to deter him from taking occasional part in the House of Commons debates. After his maiden effort he had waited some time before again attempting to "catch the Speaker's eye," and apart from his activities in connection with the Trades Disputes bill his first speech in the new Parliament had been in July, 1906 ; in a debate on the Transvaal he had taken the opportunity to express his satisfaction that the Government had done justice between British and Boers in the allocation of seats in the new legislature which was being established in pursuance of Sir Henry Campbell-Bannerman's historic gesture of appeasement in giving self-government to South Africa.

In February, 1907, he took part in the debate on the address, pointing out the difficulties inherent in any scheme of colonial preference ; and in June of the same year he spoke on the Prime Minister's famous resolution, the preliminary skirmish to the subsequent fierce general engagement on the Parliament bill, "that in order to give effect to the will of the people as expressed by their elected representatives, it is necessary that the power

of the other House to alter or reject bills passed by this House should be so restricted by law as to secure that within the limits of a single Parliament the final decision of the Commons shall prevail." The vast Liberal host which surged into the House of Commons in 1906 were panting to put into legislative operation at the earliest possible moment all those reforms which they had so passionately advocated on their own and their friends' platforms at the General Election, and with the zeal of new brooms the freshly appointed Ministers set about sweeping the country clean of accumulated abuses. But the House of Lords had suffered no similar invasion of impatient reformers. Its composition and its Conservatism were alike unchanged, and it had no intention of being either cowed, cajoled or stampeded into passing legislation of which it disapproved just because a pack of noisy radicals had temporarily taken possession of "another place." Their Lordships accordingly made short work of the new Education and Plural Voting bills, and the Liberal Government found itself at the outset of its career impotent in spite of its huge majority to put its policy into practice. Sir Henry Campbell-Bannerman's resolution was accordingly devised to record the Commons' protest and to warn the Upper House that it would not be allowed indefinitely to thwart the enactment of measures which the electorate had so recently and so overwhelmingly approved.

Rufus Isaacs, taking part for the first time in a very "full dress" debate, made no outstanding oratorical contribution but expounded his case much as if he had been addressing a jury, preferring logic to rhetoric and argument to invective, although it was a subject upon which he felt most strongly. His main theme was the invincible resolve of the House of Lords to support the Conservatives at all costs and the use made of that support by the Conservatives to obstruct and frustrate the Liberals at every turn, a subject which was to become only too familiar during the next few years.

In addition he criticized the proposal, which found favour in some quarters, to introduce the referendum as a means of settling disputes between the two Houses, contending that it would never be possible to concentrate the mind of the country upon the one material issue to the exclusion of all other topics.

His prominence on so weighty an occasion was symptomatic of his progress, the rate of which increased rapidly after the death of Sir Henry Campbell-Bannerman early in 1908. The new Prime Minister, Asquith, had known Rufus Isaacs for many years at the Bar and had had frequent opportunities of judging his powers. Moreover, they had often met socially, especially

at Sir George Lewis's house ; and both Asquith and his brilliant and warm-hearted wife had already formed the beginning of a firm and abiding friendship with him which, save for one brief period of estrangement, was to endure to the end of both men's lives.

Asquith rather than Campbell-Bannerman had been his real leader when Rufus Isaacs first entered politics as a Liberal Imperialist, and he never abated his admiration for the older man's steadfast character and splendid gifts, his high-mindedness, his dignity, his fortitude, his Yorkshire common sense and Roman eloquence. He was to Rufus Isaacs the apotheosis of Oxford, the scholar-statesman in direct line of descent from the mighty figures of the eighteenth century. Above all he envied in him his faculty of conciseness. "If only I had Asquith's power of condensation !" he would often say. "He never uses an unnecessary word."

With Asquith now Prime Minister and Grey and Haldane still respectively Secretaries of State for Foreign Affairs and for War, the Liberal-Imperialist influence seemed predominant in the rearranged Cabinet, but the changes had brought to the fore one man of a very different brand of Liberalism, whose personality was destined to exercise during the following years an immense influence upon British history and incidentally upon Rufus Isaacs' own career.

Mr. Lloyd George was now promoted from the Board of Trade to the Exchequer, where he was better able to direct his efforts toward the realization of the many schemes for the improvement of conditions of life which he had long had in mind.

Of tireless energy, fervid eloquence and indomitable courage, he was possessed by a burning sympathy for the "under dog" and a fixed determination to remove the injustices under which he suffered.

A solicitor by profession, he had briefed Rufus Isaacs on several occasions, and the two men were already acquainted when they met in the House of Commons, where their acquaintance soon matured into friendship.

Their qualities were very different and largely complementary. Lloyd George had vision, fire and enthusiasm ; Rufus Isaacs had balance, judgment and restraint.

Lloyd George was the architect, full of constructive imagination, bent upon replanning on novel lines the future development of the 'nation and dazzling his clients with the originality and splendour of his designs.

Rufus Isaacs was the surveyor, checking the quantities, estimating the cost, testing the foundations, handling the building con-

tractors and their men, and making sure that the artist in the frenzy of his creative impulse had not omitted such mundane necessities as stairs.

Rufus Isaacs found inspiration in Lloyd George's fertile and dynamic temperament, while Lloyd George sought criticism from Rufus Isaacs' incisive and analytic brain.

From these beginnings there gradually came into being a triumvirate, the third member of which was Alec Murray, Master of Eiibank and first Scottish and later Chief Liberal Whip. With him and Lloyd George, Rufus Isaacs was on more intimate terms during the next few years than with any other men outside his own family during the whole course of his life.

Rotund, with a cherubic pink face, silky white hair and moustache, and blue eyes sparkling with good humour, "the Master" radiated urbanity and kindliness. But beneath this exterior of avuncular benevolence he concealed the most acute observation, the most shrewd judgment and the most subtle tact of any Parliamentarian of his time. He was in fact born to be a Chief Whip ; unruffled, resourceful and persuasive, he gave to the most tiresome or obscure of his flock the same beaming attention as to the Prime Minister himself.

Always on the alert to exploit an opening or repel an attack, he played the game of politics with the absorption of a master chess player brooding over the pieces upon a board, and the loss to his party was immense when in 1912 he felt himself compelled for private reasons to accept an offer to enter business and, as Lord Murray of Elibank, devote his talents to negotiating contracts with the remoter South American republics.

By constant association with these two personalities Rufus Isaacs began to be admitted behind the scenes and to be kept closely in touch with the ever-changing situation. Nor was the profit from their companionship his alone, for the other two men were quick to perceive the value of Rufus Isaacs' opinion and to consult him on many topics upon which the average private member is rarely given opportunity, still less encouragement, to speak his mind. His wide personal and professional experience of life, while giving authority to his judgments of men and affairs, had never made him cynical or disillusioned him as to the ultimate kindliness and decency of mankind ; and the discipline of the courts had bred in him a tolerance of other people's opinions and of their methods of expressing them which, however alien to the spirit of party politics, was essential to the proper comprehension of larger issues.

Nor was it only among Ministers that he was making friends.

There began at this time a friendship between him and Mr. A. E. W. Mason, the novelist and playwright, then Liberal Member for Coventry, which was maintained until his death. There were also Mr. (later Sir Charles) Henry, Liberal Member for the Wellington Division of Shropshire, and his American wife, who had built an attractive house near Wargrave, within easy reach of Fox Hill, where they entertained numerous politicians who played golf with varying degrees of skill on the private nine-hole course. Further, it was at this time that he and his wife began a friendship with Mr. Alfred Mond, then Liberal Member for Chester and later the first Lord Melchett, and Mrs. Mond, which was later to develop into a mutually cherished and lasting intimacy through my marriage in 1914 to their eldest daughter, Eva.

The year 1908 began with a personal sorrow and a passing disappointment. For Sir John Lawson Walton, the Attorney-General, died in January, and Rufus Isaacs felt keenly the loss of his old master, adversary and friend. Sir William Robson, the Solicitor-General, was duly promoted to the higher office, but Rufus Isaacs' hopes of succeeding to the junior Law Officership were not yet to be realized. S. T. Evans, who, though a far less prominent figure at the Bar, had for many years done stalwart service for the Liberal cause both in the House and the country, was appointed to the vacant office. But Rufus Isaacs, still under fifty and in the direct line of succession, could afford to wait.

Throughout that year Rufus Isaacs took little public part in the House, contenting himself with an able debating speech on the second reading of the highly contentious Licensing bill and with a useful intervention in committee. It is small wonder that he had little time for the preparation of parliamentary speeches, for 1908 was the year of big cases.

At the beginning of March he appeared for the plaintiffs against Carson and Eldon Bankes in the action of Wyler and the Ibo and Nyassa Corporation *v.* Lewis and others, in which damages were claimed for conspiracy in connection with the affair of the Nyassa Company which had been formed fifteen years earlier and had acquired by charter sovereign rights, administrative powers and commercial privileges and monopolies over Portuguese Nyassaland.

In the following year Wyler had entered into an agreement to finance the venture and had acquired not only a considerable block of "shares but an option to acquire more. It was in respect of this option that the defendants were said to have conspired together to induce the company to repudiate the agreement with Wyler and to transfer to them the financing and control. Ulti-

mately a compromise was effected on the basis of joint control by a new syndicate, the Ibo Investment Trust, Limited -; but Wyler alleged that he agreed to this course only to put an end to the conspiracy and that the defendants never intended to carry out the compromise but were only concerned to oust him from his interest.

After a hearing of no less than thirty-three days before Mr. Justice (afterward Lord) Phillimore and a jury, for eleven days of which the plaintiff was in the witness box, the jury decided substantially in favour of Rufus Isaacs' client and awarded him the colossal sum of £64,472 damages.

The case went to the Court of Appeal later in the same year, where it lasted for a further eighteen days, during nine successive days of which Rufus Isaacs addressed the court in what was easily the longest speech of his life. But he was fighting a losing battle, for the decision of Mr. Justice Phillimore was reversed and the reversal by the Court of Appeal was finally confirmed in 1910 by the House of Lords after Rufus Isaacs had ceased to be engaged in private practice.

Moreover, by the time that the first stage of the Wyler case had reached its twenty-second day there had begun before Mr. Justice Bigham in the next-door court the case of Tootal, Broadhurst, Lee & Company, Limited *v.* the London & Lancashire Fire Insurance Company, in which J. A. Hamilton, K.C., of Valencian memories, led for the plaintiffs, while Rufus Isaacs and Tobin, K.C. (later Sir Alfred and county court judge at Westminster) with Leslie (now Lord Justice) Scott as their junior, made up a powerful Northern Circuit team for the defendants. The action arose out of the dreadful earthquake in Jamaica on January 14, 1907. The plaintiffs did a very large business with Jamaica, where on the day of the earthquake they had quantities of cotton goods in store which were destroyed by fire.

The main question was whether this fire was caused by the earthquake. If so, under the express terms of the policy the Insurance Company would not be liable to make good the loss, since it was stated not to cover loss or damage by fire occasioned by or through earthquake or during (unless it were proved that the loss or damage was not occasioned thereby) or in consequence of earthquake.

There was also a point in regard to damage by the fall of buildings, for which the Insurance Company would not be liable unless it could be proved that the fall was due to fire caused otherwise than by earthquake.

Both sides agreed that the fire started in the same building but at that point agreement ended, the plaintiffs contending that it was caused before the earthquake by curtains in a room coming into contact with the naked flame of a kerosene stove used for boiling milk, while according to the defendants' case it had started in another room as the result of the earthquake, the exact time of which was known by many of the public clocks in Kingston having stopped at 3.25 p.m.

Great pressure had been brought to bear upon Rufus Isaacs to devote the Long Vacation of 1907 to going out to Jamaica and assisting at the examination of the very numerous witnesses whose evidence had to be taken on the spot ; but he was not to be tempted by even the most seductive fee into giving up his one substantial holiday upon which lie relied to keep himself fit during the next twelve months.

When the case came on for trial in the spring of 1908, the reading of the evidence from Jamaica occupied many days and there were in addition a number of witnesses who had been brought over to give oral evidence ; so that in the end it lasted for three weeks and imposed so heavy a strain upon the jury's time and attention that, when they had ultimately found for the defendants on the twenty-second day, the judge was moved to excuse them from further jury service for life.

The simultaneous conduct of two such prolonged, intricate and voluminous actions was a most exhausting experience for Rufus Isaacs, for which even the fees of 1,000 and 2,000 guineas respectively on the two briefs, with proportionately ample refreshers, by no means offered adequate recompense.

Towards the end of July, after an interval filled to capacity with heavy commercial and shipping cases, came the sensational, if not highly edifying, case of Rex *v.* Sievier, a prosecution at the Old Bailey before Lord Alverstone, the Lord Chief Justice, which created at the moment such widespread and vociferous public interest as to elicit a stately rebuke from *The Times.*

The personalities of the two individuals chiefly involved, their common connection with the racing world, the somewhat melodramatic character of the story, and the presence on opposite sides of the two great figures of the contemporary Bar combined to attract an eager and miscellaneous audience which not only filled the court itself but thronged all the approaches to it.

Mr. Jack Joel was one of a small group of men which included his brother Solly and Barney Barnato, who had from humble beginnings in South Africa built up the leading diamond business of Barnato Brothers. A man of great wealth, he had for many

years past lived in England, indulging on a lavish scale his hobby of owning race-horses.

Mr. "Bob" Sievier, a clever, happy-go-lucky sportsman of fluctuating fortunes but irrepressible resilience, also owned race-horses, notably the illustrious Sceptre, and in addition directed and edited a successful sporting weekly, the *Winning Post*, a popular feature of which was a series of articles under the title of "Celebrities in Glasshouses," in which every week some prominent figure of the moment was held up to admiration or condemnation according to Mr. Sievier's estimate of his qualities.

One of Mr. Joel's horses had recently beaten a horse owned by the King in an important race, and Mr. Sievier, choosing to regard this victory as so indecorous as to verge upon disloyalty, proceeded to make in successive issues of his paper pointed and unflattering references to Mr. Joel. The climax of these cumulative onslaughts was to be the reproduction of a photograph of Mr. Joel which had originally been published in circumstances which he was not anxious to see broadcast to the world. In the year 1884, soon after he had begun business as a diamond dealer in South Africa, he had fallen foul of the local law by failing to observe the provisions of an Act which required registration of the purchase of any diamond costing more than £1000. At the trial the indictment had been quashed for informality and before the defect could be cured and the proceedings revived Mr. Joel had left the jurisdiction and departed for England. In connection with his disappearance the *Police Gazette* had published a photograph of him, describing him as "as English Jew whose apprehension is sought for as an illicit diamond buyer" and giving details of his physical appearance.

It was this photograph with its accompanying letterpress that Mr. Sievier now proposed to display for the edification of his readers and the discomfiture of his victim.

News of this project reached Mr. Joel, who thereupon not unnaturally decided that prompt and drastic steps must be taken to frustrate it. Negotiations were opened, the intermediaries being Mr. Albert Bendon, a broker who transacted a substantial part of Barnato Brothers' business on the Stock Exchange, and Mr. Charlie Mills, a professional backer of horses who not only executed commissions on the turf for Mr. Solly Joel but was a close and trusted friend of Mr. Sievier, over whom he exercised great influence.

Mr. Bendon extricated himself at an early stage from participation in the negotiations, which nevertheless continued through the agency of Mr. Mills alone until a point was reached at which Mr. Joel agreed to pay to Mr. Sievier a certain sum of money.

It was upon this promise to pay that the prosecution was founded, Mr. Sievier being charged with threatening to publish the photograph with a view to extorting money.

Sir Edward Carson, K.C., Charles Gill, K.C., and Archibald Bodkin were for the prosecution, Rufus Isaacs, Montague Shearman, K.C., and R. D. Muir for the defence.

The question for the jury's decision fell within narrow limits. The prosecution contended that the initiative in regard to the payment of money by Mr. Joel had come from Mr. Sievier, who had offered to abstain from publishing the objectionable matter in his paper if Mr. Joel would suitably reward him for his reticence. The defence maintained that on the contrary the first mention of the payment of money had emanated from Mr. Joel, who had offered money to Mr. Sievier if he would agree not to make use of the photograph.

Rufus Isaacs' case was that the whole object of the negotiations was to set a trap for Sievier in order to obtain material upon which to launch the prosecution, in the hope that Mr. Sievier would be convicted and sent to prison and the attacks on Mr. Joel in the *Winning Post* would thus automatically cease.

In support of this view he received considerable assistance from Mr. Bendon, who agreed in cross-examination that after first unsuccessfully approaching Mr. Solly Joel for a loan for Sievier, who was at the time in financial low water, he had then tried Mr. Jack Joel with the same object and that at the time of his interview with Mr. Jack Joel no suggestion of any threat had been made by Mr. Sievier.

R.I. : "Had you any notion that a trap was being laid for Mr. Sievier—'trap' is the word?"

Mr. Bendon : "I suspected something at the second interview at Mr. Jack Joel's house. I thought a trap was being laid, and I tried to convey to Mills that I thought so. I told Mills I thought it a very dirty business. I said : 'Be very careful, Charlie.

R.I. : "When you called it a dirty business you were referring to the trap ?"

Mr. Bendon : "Principally."

This was the most valuable ammunition for the defence and it was supplemented by Mr. Joel's own evidence on this aspect of the case.

R.I. •, "Did you hope to get evidence against him (Sievier) so as to prosecute him ?"

Mr. Joel: "Yes, if the opportunity occurred—he had been persecuting me for four years."

R.I. : "Did you know that Mills was a great friend of Sievier's and possessed great influence over him ?"

Mr. Joel : "Yes."

R.I. : "And you used him for that reason ?"

Mr. Joel : "Not intentionally. I did not know how far it would go."

R.I. : "It would go all the way so far as you were concerned ?"

Mr. Joel: "Yes, certainly."

R.I. : "You were using Mills. Do you consider that a dishonourable thing to do ?"

Mr. Joel : "It was an unfortunate thing."

R.I. : "What? A dishonourable thing ?"

Mr. Joel : "An unfortunate thing. I had to do it. I had been persecuted in the most terrible way and any other man would have done the same. Sievier would not have trusted anybody else but Mills."

In answer to further questions Mr. Joel admitted that a telegram from him, "£5,000 ridiculous after offer to accept £2,000. Will pay half," had been drafted by his solicitor and that at the crucial interview a police inspector had been concealed behind the curtains.

Rufus Isaacs had thus gone a long way by the end of the case for the prosecution toward substantiating his own case.

Mr. Sievier was jovial and self-confident in the witness box and, though his own version of the story did not entirely harmonize with that put forward by his counsel, the inconsistencies were not sufficiently glaring to displace in the minds of the jury the unfavourable effect upon them of the admissions made by the prosecution's witnesses.

After the final speeches the Lord Chief Justice summed up and in the words of the next day's leading article in *The Times,* "directed attention to facts which seemed to show that Mr. Joel first approached Mr. Sievier, the rich man making overtures to the poor man. The summing-up could not but strengthen the impression left by Mr. Rufus Isaacs' searching analysis of the evidence for the prosecution." So the jury thought, for amidst scenes of hysterical enthusiasm they acquitted Mr. Sievier, who was given an ovation from a crowd of some 5,000 people on leaving the Old Bailey. So exuberant were they that Rufus Isaacs was advised to wait for a while before leaving the building and then to escape by a side door into a waiting hansom.

But the driver was not going to be thus robbed of the importance with which chance had clothed him. Standing up and waving his whip wildly, he drove at a foot pace, shouting at the

top of his voice : "I've got him inside ! I've got him inside !" until the crowd, attracted by the uproar, swarmed around and almost overturned the cab, the more persistent endeavouring to take out the horse and drag the vehicle and its occupant back in triumph to the Temple. Only by the most strenuous efforts of the police was Rufus Isaacs enabled to avoid their attentions and escape into the comparative tranquillity of Ludgate Hill.

The case, in spite of its unattractive nature, called forth all the resources of advocacy on both sides and certainly constituted Rufus Isaacs' most spectacular success in the long series of his battles against Carson.

With the acquisition of a constituency he and his wife had felt themselves obliged to spend the shorter holidays at Fox Hill in order to be in close touch with the Reading electors and to attend functions at which it was impossible for him to be present while courts and House were both sitting.

They had even spent the whole of the Long Vacation of 1906 there to the exclusion of his cure, though this was due more to the need to settle into their new house than to the demands of the constituency at a moment when one election was just over and there could be no question of another for several years to come. But subsequent attacks of gout indicated that his annual cure could not be foregone with impunity, and in 1907 they broke fresh ground by trying the effects of the then newly developed spa of StrathpefFer, where the waters and the golf course absorbed as much of his time as was not dedicated to motoring around the lovely and unfamiliar country. At the end of his cure he attended the Northern Meeting at Inverness, where he was at first deeply impressed by the pomp and panoply of the arriving Highland chieftains, until closer inspection revealed the most magnificently arrayed of all as a colleague of the Parliamentary Bar.

He next conceived the notion that, being so far North, it was his duty to visit John o' Groats, whither he and I departed in the faithful yellow Renault, thence motoring back in four days to London with so formidable a tale of punctures and delays as to eradicate from him for ever any taste for lengthy runs. For this painfully achieved result I was properly grateful, for I had not particularly enjoyed the process of being bounced about over rudimentary roads as I sat in solitude in the back of the car. Early on our return journey, as we passed through a tiny huddle of cottages, we had the misfortune to run over a chicken. We at once stopped and offered suitable compensation which was firmly rejected, the old lady to whom the hen had belonged holding it aloft in her hand and apostrophizing it :

"There ! I knew that would be the end of you. You always were a gadabout !"

Nineteen hundred and eight found him back once more at Aix-les-Bains after a long interval. He had always hankered after revisiting it, for of all the places at which cures were obtainable Aix offered the greatest heat, which lie adored, as well as an opportunity for a game of baccarat, which he frankly enjoyed. Fortunately his wife was for the time being in better health and prepared for his sake to face the heat, which she detested, and to tolerate the baccarat, which bored her as much as roulette attracted her.

For his after-cure lie chose Chamonix, where he proceeded to try for the first and last time the pleasures of mountain climbing, attempting nothing more sensational than the ascent of the BreVent and a short expedition on the glacier of Mont Blanc which involved a return journey by the Mauvais Pas. But even these unambitious excursions met with the stern disapproval of his wife, who did not hold with his taking unnecessary risks.

The remainder of that year and the earlier months of 1909 were a relatively uneventful period in the courts.

Barker *v.* Mayo and others, a claim for damages against the promoter and directors of a company formed to convert peat into a product of at least equal calorific value to coal, lasted for sixteen days before terminating in a verdict in favour of all the defendants save the one out of the eight who appeared in person. Rufus Isaacs represented the plaintiff, a gentleman who, in the words of the judge at the trial, had made money in the North and, having retired on a competency, tried to get rid of his money by putting it into bad investments ; while Carson led for Lord Mayo and another of the defendants had chosen as his leader a young silk named J. A. Simon.

A little later Rufus Isaacs and Carson again found themselves on opposite sides, this time in an uncontested case brought by Mr. Lloyd George against the owners of *The People* newspaper for the repetition of a gross libel upon his private reputation which was all the more inexcusable since similar charges published in other papers had already been the subject of legal proceedings resulting in a full apology and the withdrawal of all the offending statements. Carson was able to assure Rufus Isaacs that the charges had been repeated in *The People* without the proprietors' knowledge and that they reprobated in the strongest possible degree such a personal attack on a political opponent. After Mr. Lloyd George had gone into the box and in answer to Rufus Isaacs denied all the allegations, it was announced that the defendants

had agreed to pay a substantial sum by way of damages, which the plaintiff had decided to apply to charity.

After two defences in criminal cases, one at Liverpool and one at the Old Bailey, R. *v.* Henshall and R. ZA Sumner and Stevens, there followed the case of Cole *v,* Ellis, notable for the fact that here for the first and only time Carson was actually leading Rufus Isaacs on the same side. The plaintiffs, for whom they appeared, were the executors of an old gentleman named C. J. Dickins, of the well-known Regent Street house of Dickins and Jones, who after retirement from active business had contracted a passion for collecting old china and in the pursuit of his hobby had fallen into the hands of a Bond Street dealer trading as Joseph Philpot, whose real name was Arthur Ellis.

Mr. Dickins had spent in all nearly £130,000 on his collection, £19,000 of which had gone to Ellis, who had been employed to buy Dresden china on a basis of 10 per cent commission.

On Mr. Dickins' death the executors put up the entire collection for sale at Christie's, where the tepid reception accorded to almost all the lots caused them to make inquiries and as a result to institute proceedings against Ellis for fraudulent misrepresentation in respect of twenty-six out of some one hundred and fifty items for whose presence in the collection he had been responsible. One piece in particular, purchased by Ellis for £75, had been resold by him to Mr. Dickins for £1,200. Under expert examination it proved to be a fake.

For some days previous to the trial Rufus Isaacs' chambers resembled a china shop, genuine and spurious articles being displayed there in large numbers for the purpose of comparison in order that counsel might be able to explain and illustrate to the jury the differences between the two. In this task they were ultimately successful, for the jury returned a verdict for the plaintiffs for over £10,000 and the judge ordered all the papers to be impounded. Ellis was prosecuted and convicted of fraud in connection with these transactions, though the Court of Criminal Appeal subsequently quashed the conviction. But Rufus Isaacs was not concerned with the criminal proceedings.

Toward the end of the year 1908 he and Carson found themselves opposed once more, this time on the unfamiliar ground of Birmingham Assizes, where they had both been specially briefed to appear in a libel action of outstanding local and general interest. The plaintiffs, for whom Rufus Isaacs and J. A. Simon, K.C., appeared, were the famous firm of Cadbury—Quakers, radicals and social reformers—who had put their theories of industrial welfare into conspicuously successful practice at Bourn-

ville. The defendants were **Standard** Newspapers, Ltd., the proprietors of an influential Conservative newspaper in which on September 26 of the previous year there had been published an article the effect of which was to accuse the Cadburys of the grossest inhumanity and hypocrisy in that, while taking the credit for being model employers at home, they had turned **a** blind eye to the monstrous conditions under which the raw materials for their business were obtained.

We learn with profound interest [ran the article] . . . that Mr. Cadbury, the head of the famous firm of cocoa manufacturers, is about to go to Angola, where he will investigate for himself the manner in which "labourers" are recruited for the plantations of the islands which supply Messrs. Cadbury with the raw materials of their justly celebrated products. Mr. Cadbury then proposes to go to San Thome itself to inquire into the allegation that "conditions of slavery" prevail in that profitable possession of our ancient allies the Portuguese. We congratulate Mr. Cadbury upon his journey, which does not come too soon. . . . One might have supposed that Messrs. Cadbury would themselves have long ago ascertained the conditions and circumstances of those labourers on the West Coast of Africa and the islands adjacent who provide them with raw material. That precaution does not seem to have been taken. . . . In order to secure definite information, the proprietors of an American magazine nearly four years ago commissioned Mr. H. W. Nevinson to investigate that part of Africa. . . . His journey was undertaken four years ago ; the records of its results appeared soon afterward. It is a book of great power, transparent sincerity and the most painful interest. No Englishman can read it without a certain sense of shame, for it shows that the negro slavery which it is one of the glories of our history to have assailed so often still flourishes in its wickedness and its cruelty in these Portuguese colonies. It is not called slavery—"contract labour" they name it now—but in most of its essentials it is that monstrous trade in human flesh and blood against which the Quaker and Radical ancestors of Mr. Cadbury thundered in the better days of England. . . . The so-called contract is a farce. . . . About one of these free and independent labourers in every five dies in the first year, and the worst of all this slavery and slave-driving and slave dealing is brought about by the necessity of providing a sufficient number of hands to grow and pick cocoa on the islands of Principe and San Thom6 the islands which feed the mills and presses of Bournville ! Such is the terrible indictment made, as we have said, by a writer of high character arid reputation, on the evidence of his own eyesight. There is only one thing more amazing than his statements and that is the strange tranquillity with which they are received by these virtuous people in England whom they intimately concern.

Whether the article had been published **primarily for political**

or humanitarian ends was unimportant. The charges it contained were so grave and so explicit, so nicely calculated both to damage them commercially and to wound them personally, that Messrs. Cadbury at once took action which culminated in the trial at Birmingham before Mr. Justice Pickford, afterward Lord Sterndale. It was impossible in the face of Mr. Nevinson's book for Rufus Isaacs to contend that his clients had been ignorant of the conditions prevailing in the islands. The issue, as he defined it to the jury, was whether it was true to say that, when once the knowledge had been brought home to them, they made no attempt to remedy the state of things but on the contrary remained passive in order that they might continue to enjoy the profits of dealing with the cocoa thus obtained.

His case in outline was that Messrs. Cadbury had first had cause to suspect in 1900 and 1901 that all was not well with labour in the plantations, and that after much abortive correspondence between them and Messrs. Fry and Rowntree and the Portuguese authorities with the object of bringing the conditions of slavery to an end, they had finally sent out a Mr. Burtt with instructions fully to probe the whole matter. Meanwhile time had passed and Sir Edward Grey had become Foreign Secretary, and on being consulted by Mr. W. A. Cadbury he recommended that they should not stop buying the cocoa, since to take that course would remove the most effective means of bringing diplomatic pressure to bear. Nor was he in favour of the early publication of Mr. Burtt's report, since it would probably create friction with Portugal and thus only impede the introduction of reforms.

In short, they had done their best in circumstances of great difficulty and on the most competent advice. Mr. W. A. Cadbury had given up a large part of his time to the question for nearly eight years and had done everything in his power to produce an improvement $ but when on his third visit to Angola he was told by the Governor-General that the position had scarcely altered, his firm took the step of ceasing to purchase cocoa from such tainted sources.

The newspaper, on the other hand, contended that Messrs. Cadbury had procrastinated inexcusably and had deliberately concealed the truth from the public, and that the argument that it was useless for one purchaser to suspend his dealings unless all were prepared to take the same stand was wholly untenable.

Sir Edward Grey himself was called for the plaintiffs, but Carson in his cross-examination of Mr. Cadbury was in his deadliest mood and, after aseven days' hearing and a summing-up very favourable to the plaintiffs, though the jury returned a verdict

for them, they assessed the damages at the contemptuous figure of one farthing.

This time it was Carson's triumph, though he failed to induce the judge to deprive Messrs. Cadbury of their costs.

Towards the end of the year Rufus Isaacs was appointed a member of the Royal Commission on the Divorce Laws under the chairmanship of Lord Gorell, a former President of the Probate, Divorce and Admiralty Division, but was obliged to resign early in the following year on his acceptance of office.

Though circumstances thus prevented him from taking part in the protracted deliberations of this commission, he fully agreed with the conclusions finally embodied in their report, which, after lying fallow for a quarter of a century, was the foundation of many of the provisions of the Matrimonial Causes Act of 1957.

Meanwhile a tremendous political storm was brewing. Early in the year bitter and heated controversy had raged over the Government's programme of warship construction, which provided for the immediate building of four Dreadnoughts and left them with the discretion to add to that number if the expansion and acceleration of the German programme demanded it. But the Opposition and some of the Government supporters, if not a section of the Cabinet itself, were all in favour of the immediate laying down of eight new ships, their demands being voiced in the slogan : "We want eight and we won't wait."

Rufus Isaacs spoke in the debate on the naval estimates in support of the Government plans, defending them on the ground of the immense superiority of the British over the German fleet as a whole. In an excited House his speech was subjected to some interruption, and the atmosphere was certainly not calmer when in July he next took part in a debate. For he chose a moment when Mr. Lloyd George's famous Budget was passing through the committee stage and the fiercely controversial topic of taxation of land values was under discussion.

The Chancellor of the Exchequer, confronted by the need to finance an extensive and increasing programme alike of armaments and of social reform, had introduced into his budget proposals of a far-reaching and drastic character, higher death duties, super-tax and taxation of land values (including a duty on unearned increment and on the capital value of undeveloped land), which were frankly designed at the same time to produce the required revenue and to bring about a greater equalization of wealth. It was received by the Opposition with outraged protests against robbery and spoliation, and there was soon no man more execrated in Conservative circles than Mr. Lloyd George, who revelled in

a fight and certainly made no attempt in his replies to the attack upon him to reduce the prevailing temperature.

Lord Rosebery, with pardonable rhetorical licence, pronounced the Budget to be "the end of all things" ; and though this lugubrious prophecy has proved to be an exaggeration, it did mark the beginning of the end of a settled and spacious way of life among the ' 'governing classes" which had come down with little change from the eighteenth century and was soon to disappear for ever in the throes of war.

The Peers had at least the courage of their convictions. They regarded the Budget as manifest Socialism and with a fine disregard for constitutional usage proceeded to reject it by 350 votes to *75.*

Immediately and inevitably the resentment which had already been kindled among Liberals at the summary execution of several of their most cherished measures burst into flame. Here was a challenge on an issue which could neither be ignored nor circumnavigated but must be settled for good without further delay.

But a question was thus raised upon which the electorate had never been consulted, and the Government did not feel justified in taking steps finally to end the deadlock without the reinforcement of popular support. Moreover, the refusal of the necessary supplies could only result in the machinery of government being brought to a standstill. The Parliament which in 1906 had been ushered in with such high hopes, only to find itself increasingly-fettered and impotent, was accordingly dissolved, and Rufus Isaacs found himself for the third time in five and a half years appealing to the electors of Reading.

In his address to them he put the dominant issue in precise and cogent terms.

By the unconstitutional and revolutionary action of the House of Lords this Budget, passed by an overwhelming majority of the representatives of the people in the House of Commons, has been rejected by the Peers. Thus, the House of Lords has, for the first time in the history of our constitution, which is based upon usage, practice, and custom, asserted a right to force a dissolution of Parliament by refusing to assent to the necessary supplies, and has revived a claim to control the finances of the country which we all thought had been disposed of in favour of the House of Commons, once and for all, long ago. In my view careful and deliberate provision should be made to prevent any possible recurrence of interference by the House of Lords with the Budget or the finances of the country. Never again should the Budget be liable to rejection by the Peers.

In my view, the 'taxation imposed on the people should be that chosen by the people through their representatives in the House of

Commons and power of the public purse should be preserved to the people's protectors, their duly elected Members of Parliament.

I would also support a definite limitation of the power of the Peers to mutilate and reject measures passed by the House of Commons and am in favour of steps being taken to ensure that the will of the people must and shall prevail.

In order that the House of Commons may be always in touch with the mind of the people and may reflect the views of the majority, I am in favour of shortening the maximum duration of Parliament from seven to five years.

He thus not only defined the immediate situation **but** also outlined the legislative steps which were in contemplation by the Government to prevent its recurrence.

This time a new Conservative candidate again took the field, Major Leslie Renton, who suffered from the disadvantage of having been a former Liberal member recently converted to Toryism. Nevertheless, he made a stout fight and in the end reduced Rufus Isaacs' majority to the slender figure of 207 on a poll of just over 10,000.

The genuine Liberals were solid in support of their candidate, but a number of the votes which he had gained at the previous election had been recorded even more against the Conservatives than for the Liberals, and these were now detached once more owing to the alarm inspired by the radical proposals of the Budget.

The slogan "Rufus for Reading," which had already rendered invaluable service, was this time supplemented by a new poster flaunting in huge letters the second part of the local version of a familiar contemporary catch-phrase : "What's the matter with Rufus ? He's all right!", the arresting quality of which was acclaimed by one of the greatest publicity experts of the day.

MY DEAR ISAACS,

I waited at the telephone last night for Reading result with more party disloyalty than I care to confess and I congratulate you heartily on a splendid win.

To-day I motored through the constituency and was immensely struck by the brilliance of your poster-artist. "He's all right." I never saw such a splendid show.

Sincerely yours,

NORTHCLIFFE.

The results of the General Election as a whole were scarcely such as to fulfil the hopes of the Government of having their hands materially strengthened for the forthcoming struggle with the

Peers, but they were at least sufficiently favourable to justify them in opening their campaign. Thus the year 1910 began with the hostile forces drawn up for battle in an atmosphere heavy with anger, bitterness and vituperation, the political enmities of the moment shattering the personal friendships of years.

For Rufus Isaacs himself the year was to be a memorable one. In March Sir John Bigham, President of the Probate, Divorce and Admiralty Division, resigned and was elevated as Lord Mersey to the peerage, "leaving," as he himself said, "the title of Lord Atlantic for F. E. Smith" ; and the Solicitor-General, Sir Samuel Evans, was appointed to succeed him. This time there could be no doubt. Rufus Isaacs became Solicitor-General with the universal approbation of the profession and of the public, and duly received the knighthood which is by custom bestowed upon a Law Officer.

The views of legal circles on his promotion may be judged by the *Law JournaVs* comment:

> The appointment of Mr. Rufus Isaacs, K.C., as Solicitor-General has been hailed everywhere with acclamation, and among the profession no more popular appointment has ever been made. The great powers which this brilliant advocate and acute judge of men and affairs has applied to the vindication of private rights will now be employed in the service of the State $ and there can be no doubt that his cool judgment and shrewd intelligence will be an advantage to the country in general, as well as to his party, at this period of serious constitutional crisis.

No man could have asked for a more generous voicing of the sentiments of those among whom he had spent his working life for nearly a quarter of a century. He was destined never to return to private practice but for the next sixteen years to hold positions of increasing importance under the Crown.

It had taken him fifty years to attain office, but from that moment the *tempo* of his progress so rapidly increased that before another eleven years had passed, having been successively Attorney-General, Lord Chief Justice and Ambassador, he was to find himself, to his own vast astonishment, enthroned on a lofty and lonely pinnacle as Viceroy.

CHAPTER V

SIR RUFUS

THE new Minister's first preoccupation was necessarily with his constituency, for in those days by the onerous and costly provisions of an antiquated Statute of Queen Anne, since wisely repealed, it was obligatory upon any Member of Parliament accepting an office of profit under the Crown to resign his seat and seek re-election.

Sir Rufus had little cause to anticipate defeat in spite of the smallness of his last majority, for he was personally popular in Reading and there were many electors who not only felt that it was unjust that he should be so soon put to the labour and expense of a further contest for such inadequate reasons, but also that his preferment to ministerial rank did honour to the town which he represented. This attitude of mind was felicitously expressed in an official letter from the Mayor, in which he wrote :

> Will you permit me, as the Chief Magistrate of Reading, to offer you, on my own behalf and on behalf of the inhabitants of the Borough, heartiest congratulations upon the honour which His Majesty the King has been pleased to confer upon you by appointing you to the high office of Solicitor-General.
>
> I know that my fellow-townsmen, whatever their political opinions may be, will rejoice to know that such an honour has been conferred upon you and will, one and all, sincerely wish you well.

But the Conservative Central Office was not in a mood to allow any by-election to go by default, especially if it held out any prospect of the defeat of a Minister, however junior, and Major Renton was still in the field and ready for a fight. Preparations in the town accordingly went forward vigorously on both sides, and Sir Rufus was actually addressing a ward meeting of his supporters in the early stages of his campaign when the news was brought to him that local Conservative opinion had prevailed over pressure from headquarters and that it had been decided to abandon opposition to his return. He had been careful in the very brief election address which he had circulated to emphasize the personal aspect of the position, and he had given strict instructions that none of the virulently controversial posters current at the time were to be displayed. He was thus able both to smooth in advance the path of those Tories who wanted to give him a walk-

over and to insist in retrospect on the personal, as distinct from the partisan, consideration which had led to the adoption of that course.

In thanking the Mayor for his services as returning officer on the occasion of his unopposed return he was at pains to state that:

He wished to recognize the act of grace and courtesy on the part of those who had been, and he supposed would be after the moment had passed, his political opponents, for not opposing him because they appreciated that the honour which had been conferred upon him had also been conferred upon the citizens of Reading. He was quite certain also that it was in his capacity of a fellow-townsman of Reading that this mark of respect and esteem had been accorded to him. . . . He was indeed grateful to them, and lie was perfectly certain that there was no one in Reading or elsewhere who would or could, after the words he had uttered, be so ungenerous as to consider the present election as in any way partaking of a political triumph for one party.

This trouble so satisfactorily out of the way, Sir Rufus was free to devote himself to the duties of his new office. Acceptance of it had involved an immense sacrifice of income, for during the past few years his annual receipts in fees had verged upon £50,000, whereas during his six months' tenure of the Solicitor-Generalship they amounted to no more than £2,200 in addition to the proportionate part of the salary of £5,000 per annum then attaching to the office. But, though they had now grown used to living in great comfort, neither he nor his wife had developed extravagant tastes and he had been able by this time to save a substantial sum, even after the wastage of ill-fated investments. Nevertheless, if a still greater sacrifice had been necessary, he would not have hesitated to make it, not only because promotion was a prelude to a new adventure but because it would always have been to him genuinely unthinkable that any man should refuse public service on personal grounds, especially those of a monetary kind. Nor, if he had been disposed to waver, would his wife have allowed him to remain undecided for long, as her confidence in him and her ambition for him only grew with his successive advancements and his career was far more important in her eyes than his income.

At the time of his appointment Lord Alverstone, the Lord Chief Justice, had written to him :

My very best congratulations. You have won your great position by your rare abilities and honourable conduct. All your thousand friends will be delighted to see you S.G., and none more than your faithful friend the L.C.J.

and Sir Edward Clarke, doyen of the Bar and himself a former holder of the same office :

I congratulate you with all my heart. You have nobly earned this honour, and any others which in due course may follow from it.

I know your future will be worthy of yourself and of our profession and I hope it may be full of success and happiness. Always your faithful friend.

It was, therefore, all the more unfortunate that at the outset of his official life he should have inherited from his predecessor a case which was not only to cause him profound anxiety but was to constitute the one instance in which his professional conduct exposed him to criticism.

George Archer-Shee, then a boy of thirteen, had gone from Stonyhurst to Osborne in the year 1908. On October 7 of that year he had cashed at the village post office a postal order for 15s. 6d. which was his own property. On the same day a boy named Terence Back complained that an order for 5s. had been stolen from him. Inquiries were thereupon made of the local postmistress, who stated that both orders had been cashed by the same boy. The Commander promptly sent for Archer-Shee and asked him to write out Back's signature ; the boy duly wrote "Terence H. Back," which was in fact the form in which Back normally signed. The Commander, ignoring the fact that the two boys had entered the college together, slept next to each other, had adjoining lockers and were in the same class, regarded it as highly suspicious that Archer-Shee should know Back's Christian name and felt obliged to report the whole matter to the Admiralty. His suspicions were later confirmed by a well-known handwriting expert who identified the signature upon the stolen postal order as having been written by Archer-Shee ; and upon this evidence the Lords Commissioners of the Admiralty proceeded on October 18 to communicate for the first time with the boy's father. After briefly reciting the facts they informed him that "investigation of the circumstances of the case leaves no other conclusion possible than that the postal order was taken by your son, Cadet George Archer-Shee. My Lords deeply regret that they must therefore request you to withdraw your son from the College."

Such investigation as had taken place had in fact been both perfunctory and high-handed. The boy's father had not been told what was happening and no one had been given an opportunity to making inquiries on his behalf. But the boy had throughout vehemently protested his innocence, and his father, believing

his word, determined not to let the matter rest until there had at least been a judicial inquiry into the whole affair. In his long siege of the Admiralty he was fortunate enough to secure the co-operation of Carson, whose warm heart, quick sympathy and high sense of justice had been stirred into activity by the boy's story. But the Admiralty proved intransigent and could not be moved further than to order two inquiries, each by a different King's Counsel, at neither of which any member of the Bar was allowed to appear on behalf of the boy, and both of which resulted in the Admiralty's action being upheld.

However, the boy's champions were still undaunted. He was not yet an officer and therefore could not demand a court martial; but, if the Admiralty would not grant a proper judicial inquiry, they would force them into the open by commencing legal proceedings.

Two main classes of action are known to the Common Law, actions in contract and actions in tort, and the boy's advisers might in the ordinary course have had a choice between an action in tort for his wrongful dismissal and an action in contract for breach of his agreement of service. But in the particular circumstances of the case there were almost insurmountable technical obstacles in the way of either alternative.

As regards an action in tort, since the proceedings were aimed at the Lords Commissioners of the Admiralty, they would have to be by way of Petition of Right, but in law no Petition of Right would lie in respect of a tort. As regards an action in contract, although not an officer, the boy was already in His Majesty's service and it was well-established and unassailable law that any such appointment is determinable by the Crown at will and that such determination cannot be made the subject of an action for breach of contract.

Nevertheless, since no other possible line of attack was open, it was decided to launch the Petition of Right for breach of contract, in answer to which the expected objection was in due course taken on the pleadings on behalf of the Crown that in view of the boy's position as a cadet the action was not maintainable.

This was the stage which had been reached when Sir Rufus first found himself concerned with the case and confronted with the necessity for a decision on a point of great delicacy and importance. When the case came to trial, was he or was he not to rely upon the objection raised on the pleadings ? If he took the point, there could be no answer to it ; the proceedings would come to an abrupt close and the boy would lose his last opportunity of proving his innocence or at least of having all the facts thoroughly

investigated in open court. If he refrained from taking it in order to give the boy his chance, he would be setting a most dangerous precedent. For if once the court was to be encouraged to examine the facts of an action which in law it had no right to entertain, every person in the service of the Crown who thereafter had, or imagined that he had, a grievance against any Government department for terminating his engagement, would be in a position to pray in aid the precedent of the Archer-Shee case and to claim that he too was entitled at least to have his grievance ventilated in a court of law, even if not to recover damages, in a cause of action which was recognized as not being maintainable.

In the end after much heart-searching and long and anxious reflection, Sir Rufus came to the conclusion that, though his whole personal inclination was toward waiving the objection in the particular case, his duty as a Law Officer was to insist upon it in the interests of the public as much as of his own successors in office.

Accordingly, when the case came on before Mr. Justice Ridley, he took his point at the outset. The judge at first leaned toward the view that the facts should be tried before the fatal objection was upheld, but on being pressed he ultimately agreed that the Crown was entitled to judgment without further discussion. Carson was, however, not yet defeated. When Mr. Solicitor had risen to insist upon his right to judgment, Carson had stalked out of the court in outraged silence and, as soon as judgment had been delivered, had presented himself in the Court of Appeal and there obtained leave for an appeal from Mr. Justice Ridley's decision to be heard within the next few days. When the appeal came to be argued, the Lords Justices interrupted Sir Rufus in the middle of his argument to insist that in their unanimous opinion the judge's original view had been correct and that the facts should have been gone into before the question of law was decided. This was a signal victory for Carson's pertinacity, for now he would at last have the opportunity of expounding the whole story to a judge and jury, calling his own evidence and cross-examining the witnesses for the Crown, a position which his tactics had throughout been designed to secure. When the case again came for trial in July, this time before Mr. Justice Phillimore and a jury, he made the most of his long-deferred opportunity, and by his cross-examination went so far toward destroying the vital evidence of the postmistress that on the fourth day of the hearing Sir Rufus rose and stated that, as a result of the investigation which had now taken place, he accepted on behalf of the Admiralty the declaration of Cadet George Archer-Shee

that he did not write the name on the postal order, that he did not take it and that he did not cash it, and that consequently he was innocent of the charge which had been brought against him. He added that he made the statement without any reservation of any description, intending it as a complete acceptance of the boy's statement.

Thus, largely through Carson's tireless efforts, Archer-Shee was fully rehabilitated. But both during and for some time after the case there was much criticism, both in the House of Commons and in the Press, of the course taken in its earlier stages on behalf of the Crown, based upon the contention that, if in the end the Admiralty was going to withdraw all charges, it might more graciously have done so at the outset instead of insisting upon its legal right to stifle investigation of the facts. Sir Rufus had admittedly had a very difficult decision to make, and no one who knew him could have thought that he had reached it light-heartedly or from any motive save the strictest sense of duty.

Even if his first important appearance in his new capacity in the courts proved inauspicious, in the House of Commons he steadily improved his position. Occupancy of the Front Bench gave him increased assurance, and his first speech as a Minister, delivered toward the end of March on the constitutional relations between the two Houses in regard to finance, was an authoritative and valuable contribution to the debate.

As a member of the Government and a widely known personality, he was soon in great demand for political meetings all over the country. But the responsibilities of office seriously hampered him on a platform. The spontaneity and zest which had made him effective as a private member were replaced by close adherence to carefully prepared notes, with the inevitable result that the personal contact which he had previously been able by his own vitality to establish with his audience was to a large extent lost. Whereas he had formerly been eloquent in his own style, he was now at times almost hesitating ; whereas he had been vigorous, he was now almost laboured. Even his voice lost something of its characteristic and compelling ring and became measured and grave. He was himself fully conscious of this deterioration, but felt that in his new position he could no longer leave the actual language of his speeches to the inspiration of the moment lest he might be led unawares into saying something embarrassing to his colleagues. But he chafed under this self-imposed restriction and no longer enjoyed addressing a meeting as he had in his free-lance days.

There was *no* lack of miscellaneous tasks for the Law Officers,

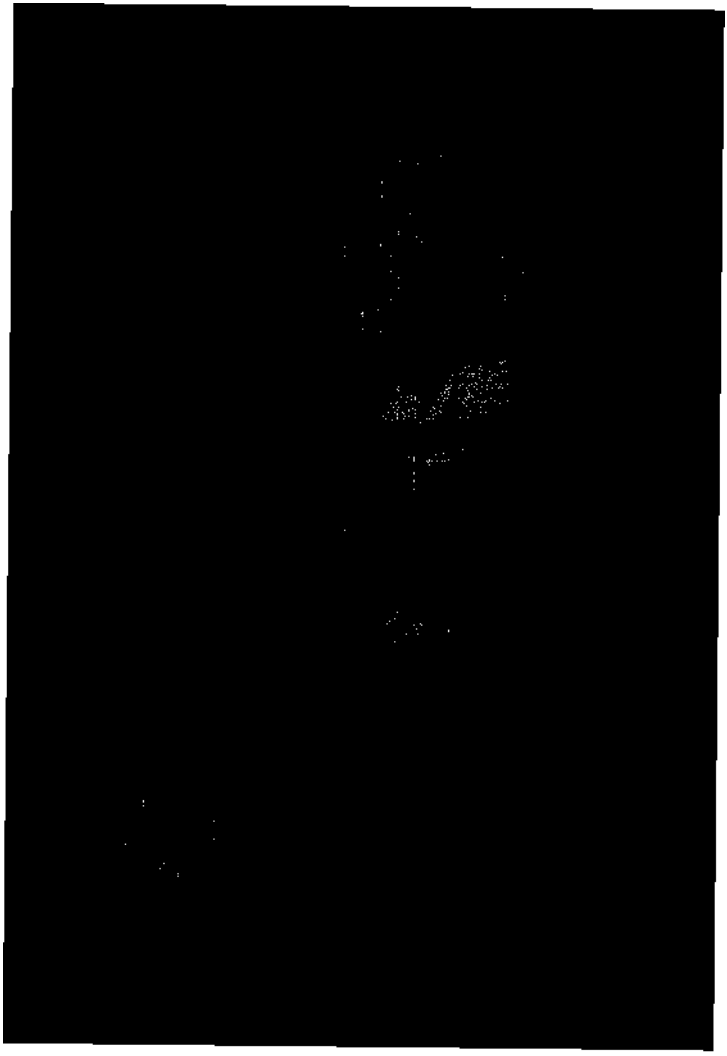
but the whole situation was dominated by **the struggle between** the two Houses which had its origin in the rejection by the **Peers** of **the** previous year's Budget and in spite of **the intervening** General Election was little nearer to a solution.

The House of Lords was impenitent, the House of Commons indignant. But indignation was not enough ; definite legislative action was required, and in March the general lines of the proposed bill were made clear by the terms of three resolutions designed to limit the exercise of the Lords' veto, in submitting which for the approval of the House of Commons the Prime Minister made a considered declaration of policy which was at once a challenge to his opponents and a tonic to his supporters.

The three resolutions which you, Mr. Speaker, a few moments ago, put from the Chair, have two special characteristics. In the first place, having been approved in principle by the late House of Commons with an enormous majority, it will not, I think, be anywhere denied that they were prominently, if not predominantly, before the country at the recent General Election ; and they have, during the last fortnight, been supported in every stage of their progress in this new House of Commons by majorities which have rarely fallen short of a hundred. In the second place, to us, who sit on these benches, the passing of the principles of these resolutions into law by means of statutory enactments is a condition, not only of our usefulness, but even of our effective existence. Speaking at the Albert Hall on behalf of my colleagues and political friends in December last, before the election, I said—and I have not a word to withdraw or explain—that it was idle for us here to hold office unless we could secure safeguards—the safeguards which experience had shown to be necessary for the legislative utility and honour of the party of progress. Those safeguards, these resolutions, if they are put on the Statute Book, would provide. But until they take their place there, there is no legislation except the Budget and substantially noncontentious matters which we can without risk of futility, and even of ridicule, undertake.

It is for these reasons, and on behalf of the Government, that I think it not only convenient, but necessary, to give notice to the House and to the country, now that these resolutions are passing into the control of other people, of our future intentions.

If the Lords fail to accept our policy, or decline to consider it as it is formally presented to the House, we shall feel it our duty immediately to tender advice to the Crown as to the steps which will have to be taken if that policy is to receive statutory effect in this Parliament. What the precise terms of that advice will be, it will, of course, not be right for me to say now, but, if we do not find ourselves in a position to ensure that statutory effect shall be given to that policy in this Parliament, we shall then either resign our offices or recommend the dissolution of Parliament. Let me add this, that in no case will we recommend a



RUFUS ISAACS AT THE AGE OF 50

THE OPENING OF THE NEW LEGAL YEAR, OCTOBER, 1913

dissolution except under such conditions as will secure that in the new Parliament the judgment of the people as expressed at the elections will be carried into law.

These resolutions differed from the original version moved by Sir Henry Campbell-Bannerman in 1907 in so far that they abolished the proposed machinery for settling differences between the two Houses by conference and at the same time reintroduced the plan, discussed at the earlier stage but not incorporated in the official scheme, of carrying bills over from one Parliament to another, in order to prevent the House of Lords from enforcing sterility upon the last two years of any Parliament in which there was a Liberal majority.

Although Mr. Asquith was careful not to violate constitutional custom by indicating the precise nature of the advice which he would feel obliged to tender to the King, the inference was obvious that he would ask for an assurance that, if necessary, a sufficient number of new Peers would be created to ensure a majority in the House of Lords in favour of the projected bill.

The Opposition, who saw in this plan the death by drowning of the House of Lords, foamed with rising rage ; and accusations against the Prime Minister of political chicanery were soon supplemented by charges of dragging King Edward into the arena of party conflict and even of causing, or at least contributing to, the ill health from which he was at the time suffering by thrusting upon him a decision the weight of which he was in no condition to bear.

Just when the rival polemics had reached their height, the King, who had recently returned from a long stay at Biarritz, whither he had gone to avoid the dangers of bronchitis inherent in the English climate at that time of year, suddenly fell ill and died within a few days. For a moment it almost seemed as if he had timed his own death so that Edward the Peacemaker might perform his last great act of pacification in the field of domestic instead of foreign affairs. For the strident voices of controversy were temporarily silenced before his universally regretted passing, and before they could break out afresh steps had been taken which offered at least some hope of compromise. A conference of the leaders of both parties was arranged and began to sit in the middle of June under the chairmanship of the Speaker, the Rt. Hon. J. W. Lowther (now Viscount Ullswater), in order to strive to reach a *modus vivendi* between the two Houses. There was thus for the time being a lull in the storm.

By the death of King Edward Sir Rufus had lost one who ever since Homburg days had been the kindest of friends to him, con-

tinuing to invite him and to ask for his inclusion among the guests at houses where he dined or stayed, and always singling him out for notice.

He always recalled with amusement one particular house party in the neighbourhood of a small town famous for its collection of municipal plate, which the King expressed a wish to see.

Arrangements for the visit were duly made and, as the King's car drew up at the Town Hall, the Mayor was heard to say by way of welcome : "Your Majesty, the last monarch who came to this town had his head cut off!"

Sir Rufus was to receive for the next twenty-five years the same kindness and consideration from King George V, to whom he had been first made known some years before by King Edward, who, while attending a smoking concert of the Legal Musical Society, had sent for Rufus Isaacs and presented him to the then Prince of Wales in the homely formula : "Have you met my son ?"

Sir Rufus was the first person to be knighted by the new King and was deeply touched when, in bestowing the accolade, King George said to him : "How much pleasure it would have given my father to do this !"

Sir Rufus and Lady Isaacs had become greatly attached to Fox Hill in the years since they had occupied it. Under her eye the house had been pleasantly modernized inside and the gardens had developed out of all recognition. She had made a charming rose garden, and the same passion for harmony which led her to match all the accessories of a room to one prevailing colour suggested to her the planting of a long and very successful all-blue herbaceous border beside the house.

The house itself, with its red-brick, gabled exterior, was approached by a drive the entrance to which was actually at the end of the outer residential streets of Reading.

The front door opened into a large panelled hall, which was the most frequently used living room. The dining room, also panelled, and the white and mauve drawing room both faced the lake and in front of them ran a wide veranda, where during the summer months the life of the house was concentrated. In particular it was the scene of breakfast, a meal at which the host's heartiness of spirits and appetite were always a source of wonder to his less resilient family and friends. To be at fifty boisterous at breakfast was in itself evidence of the possession of remarkable powers.

Now for the first time the slackening of the political tension coupled with the decrease in his legal work left him free at week-ends to enjoy his house and garden and the company of his guests.

There were many cheerful parties of friends staying in the house and others would come down from London or from the neighbourhood for luncheon on Sundays, the more frequent visitors among them being the Master of Elibank, Lady Lewis, now a widow, and her daughters, A. E. W. Mason, J. M. Barrie, and in particular Esther and Alfred Sutro, Sir Rufus's youngest sister and her husband, whose presence was always especially welcome. She was in appearance far more like Rufus than any other of his sisters.

In addition to her very considerable artistic talents she was unusually widely read both in English and in French literature and, once the conversation had risen above trivialities, talked with stimulating authority on many subjects.

Alfred Sutro was an admirable conversationalist, sensitive, witty and cultivated, loving good talk even in the midst of a rubber of bridge and deeply devoted to both Rufus and Alice Isaacs. His spiritual home was the Garrick Club, where he was a universal favourite.

In his earlier years he had been a partner with his elder brother in an increasingly prosperous firm in Mincing Lane. Originally a friend of Harry and Rufus, he thus came to know and ultimately to fall in love with the youngest sister, but she was set upon an artistic career and unwilling to marry a man engaged in commerce.

Without hesitation he threw up his business and determined for the future to make his livelihood by writing. To such concrete evidence of devotion Esther submitted and after their marriage he was as good as his word ; for he built up, especially in the years between 1907 and 1914, a considerable reputation as a dramatist with such plays as *The Walls of Jericho, John Glayde's Honour* and *The Builder of Bridges.*

From 1907 to 1911 I was at Oxford, and on Sundays in the summer would often motor over with a party of friends whom my father and mother were always delighted to see ; for, though neither of them was ever thoroughly at ease with children, both were attracted by young people of the undergraduate age.

In the middle of the year they decided that the noise of Park Lane since the introduction of motor buses was no longer supportable and decided to move to 52 Curzon Street, which was to remain in his possession until his death twenty-five years later.

It is a coincidence worthy of passing note that in Park Lane he lived a few doors. from a house long occupied by Disraeli, and that at 52 Curzon Street he died a few doors from the house, No. 19, where Disraeli died.

Their house in Curzon Street was considerably larger than its predecessor in Park Lane. Of earlier Georgian date, its high rooms had all the characteristically fine proportions of their period. A dining room of adequate size with one oval end looked on to the street on the ground floor, while at the back was the morning room, painted a light blue with cretonne curtains of blue delphiniums on a black ground and a black carpet. This room, more generally used than any other, opened on to a narrow veranda leading down to a small paved garden, the end wall of which, though serving the modern and utilitarian purpose of the back of the garage, was masked with classic pillars and pediment to lend it interest. A well staircase under a glass dome led upstairs. The first-floor rooms had been designed for entertaining on a considerable scale, the five of them leading one into the other to afford freer circulation at balls and routs.

But the absence of a lift made the proper bedroom floor inaccessible to Lady Isaacs, and the rooms themselves were on the small side.

They therefore sacrificed the social possibilities of the house in the interests of their own day-to-day comfort. The two front rooms, one small and one large, became her boudoir and the drawing room respectively. The two similar back rooms were converted into her bathroom and bedroom, in mauve and grey, while the farthest room of all was his dressing room and study combined, the end being partitioned off to provide him with his own bathroom. The next floor was at my disposal so long as I was living at home.

They had arranged the first-floor rooms so that, although normally devoted to everyday needs, they could still be adapted on special occasions for purposes of entertaining $ and soon after they were established in their new home they gave a large dinner party followed by a reception, to exhibit it to their friends and acquaintances.

Before long they were deeply attached to the house. It was somehow a wholly appropriate setting for them both, and through the changes in decoration of the next quarter of a century it retained its own distinctive character unimpaired.

That summer Sir Rufus and Lady Isaacs began their visits to the one cure place to which they were ever faithful for more than two years in succession ; for the life of Marienbad appealed so strongly to both of them that they continued to frequent it for the next three years and had intended returning again in 1914 if the outbreak of war had not put an end to all thought of holidays, abroad or at home. Marienbad, like Homburg earlier

in the century, owed its popularity among English visitors to the presence of King Edward, who had found in the simple regime and charming countryside with its clean and friendly cafe's and small golf course an ideal refuge from the cares of monarchy.

He had after his custom collected around himself there an amusing circle of people, many of whom remained faithful to the place after his death, though in the summer of 1910 the absence of the familiar figure who had been the centre of all their activities cast a heavy shadow over their normal gaiety.

There was little entertaining, but the essential life of the Austrian spa continued unchanged, the early-morning promenade with glass of water in hand, the walk out to one or other of the favourite cafe's for breakfast, the baths, the golf, the strictly prescribed meals, the bridge, and, to balance the early rising, the early bed.

It was certainly a tribute to the curative virtues of the place that those who in England, if they could have borne the presence of other people at breakfast at all, would have been at best taciturn companions, there became gregarious, cheerful, even witty, at wholly unusual hours. At the Egerlander in particular there were well-recognized groups which took their coffee, rolls and honey together daily amid a stream of conversation rarely released in London before evening.

Over the large table at which my father and I always sat presided Colonel Lockwood (afterwards Lord Lambourne), a famous House of Commons character and chairman for many years of its Kitchen Committee, never without a Malmaison carnation and universally addressed as "Uncle Mark." He was regularly supported by a varied company.

Every morning at the same hour there would arrive, in addition to ourselves, Lord Dunedin, scholar, wit and one of the acutest legal brains of his day ; Sir Squire Bancroft, full of courtliness and reminiscence ; Charles Hawtrey, as inimitable off the stage as on it ; Charles Gill, King's Counsel and pillar of the Garrick Club ; and T. P. O'Connor, Nationalist Member of Parliament, journalist and confirmed snuff-taker, who had known everyone worth knowing in Fleet Street and at Westminster for the past twenty-five years.

The ladies of the party were a more shifting population, but the one constant attendant was also the acknowledged Queen of Marienbad, the Hon. Mrs. Albert Petre, afterwards Lady Hawtrey. Warm-hearted, humorous and wise she rarely led the talk but possessed to perfection the art of keeping it alive. Her great joy was to listen to Charles Hawtrey at his favourite

amusement of mimicking the person to whom he happened at the moment to be talking, while the rest of the table watched the victim slowly realize that Hawtrey was not speaking in quite his usual voice and wonder in his mind whom on earth he was imitating now. His best performance was with Sir Squire, with whom he could carry on a lengthy conversation so faultlessly that no one could have told by ear alone from which lips the familiar stately periods flowed. Another lady normally faithful to the party was Mrs. Arthur Glasgow, a Virginian by birth but resident in London for many years, whose Romney-like looks and Southern humour and vivacity were one of the company's most envied assets. Lady Isaacs was never present at this morning symposium, but would make her appearance later in the day and pass the remainder of it agreeably enough in her own pursuits.

The regime required that dinner should be early, short and simple, which suited her habits admirably and made it possible for her to dine out frequently with friends. At one such dinner, given a few days after August 12 by Sir John Barker, head of the great store, grouse were served.

"Oh, Sir John," cried a gushing lady from the other end of the table, "how too lovely ! I am sure they must be your own birds. Do tell me—where is your moor ?" and Sir John, gazing into space, answered laconically :

"High Street, Kensington."

On his return from this first visit to Marienbad, a surprise awaited Sir Rufus. Sir William Robson, the Attorney-General, worn out by the long hours and incessant labour imposed upon him by the past two crowded years in the House of Commons, had accepted a vacant appointment as a Lord of Appeal, and Sir Rufus, after only seven months as Solicitor-General, found himself in October senior Law Officer and official leader of the Bar, for whom the reversion of the most exalted posts in the legal hierarchy is by tradition reserved. He could look back into the past with a satisfaction still tinged with amazement and forward into a future all the more alluring for being obscure.

Meanwhile the immediate present offered no lack of tasks, among the most pressing of which was the solution of the difficulty created by the decision of the House of Lords in the Osborne case in December of 1909, in which compulsory levies upon members of trade unions for the purpose of providing funds to pay salaries to their representatives in Parliament had been declared illegal. The resultant situation gravely embarrassed the members of the Labour Party, and a vigorous agitation was at once started in favour of legislative action to over-ride the

judgment. Sir Rufus himself was sympathetic toward their demands, but the Government as a whole were not prepared at the moment to introduce the necessary legislation ; so in addressing his constituents on the subject in October, on his first appearance among them as Attorney-General, the only method of dealing with the position which he was able to indicate was that of payment of all members. Those primarily affected were, however, not satisfied with that solution, and the agitation continued to grow.

But the centre of the political stage was still occupied by the constitutional issue. The proceedings of the conference had been punctuated by recurrent rumours of deadlock, and on November 10 after twenty-one meetings it finally broke down. On the Prime Minister's advice the King at once dissolved Parliament, and members were faced with the unattractive prospect of fighting a second election within the year.

The reduction of Sir Rufus's majority at the last election to the narrow margin of 207 had encouraged the Conservatives in their hopes of winning the seat, and his position in the Government made it more than ever a desirable prize. They were further cheered by the presence of a new candidate of great energy and charm, Captain Leslie Wilson, a former officer of the Royal Marines, who was to become in after years first Conservative Chief Whip, then Governor of Bombay during Lord Reading's Viceroyalty and later Governor of Queensland. It was a feature of his elections that Sir Rufus was never opposed by the same candidate twice.

Reading thus became one of the key seats in the contest and was chosen as a battleground by the heaviest guns. Mr. Lloyd George had spoken there in the January election ; but this time the Prime Minister himself addressed a meeting of some eight thousand persons in the corporation tram sheds on November 29, and on December 1 Mr. Balfour replied to him from the same improvised platform.

The country can seldom have been deluged by so torrential a rain of oratory as in December, 1910, but there was in truth little to be said that was new, and even the most stirring and eloquent speeches on either side consisted in the main of repetitions of the mutual defiance already breathed in the previous January.

Nor did the result show any significant change. The Liberals, who had been 373 strong before the last election and had then decreased to 274, were now 272 ; the Conservatives, who had increased from 167 to 272, were now 271 ; while Labour, having earlier fallen from 46 to 41, recovered to 42.

The balance was thus held by some 85 Irish Nationalists, the

main body under the leadership of Mr. John Redmond with a small dissident faction following Mr. William O'Brien, but all united in their determination to secure Home Rule at the earliest possible moment and in their detachment from any business before the House which did not, and could not be made to, lead directly or indirectly toward their goal.

Sir Rufus, who had confined his election address to the two topics of the constitutional issue and Free Trade, had been forced to fight his hardest. In both the 1910 elections I was able to give him some help by keeping meetings in being until his arrival and also by relieving him of all open-air speaking, which he detested and which always affected his throat. I was also able to bring some budding speakers from among my Oxford friends to give variety to our performances.

When the figures were announced, it became apparent that he had needed all available support, for he held the seat only by ninety-nine. Yet even that slender majority was an immense relief, for throughout polling day the most alarming rumours had been in circulation and there was a widespread belief that he had been defeated at last.

The year 1911 proved to be one of varied and strenuous political activity, and the Attorney-General was so far fortunate that the absence of any particularly heavy cases in the courts left him largely free to attend to his Parliamentary duties.

But early in the new year he and the new Solicitor-General Sir John Simon, both appeared for the prosecution in the remarkable case of Rex *v.* Mylius, in which King George V himself was intimately concerned.

The great and obvious happiness of His Majesty's married life did not prevent in the first months of his reign the circulation of furtive and slanderous gossip, the favourite form of which was embodied in a story that his marriage to Queen Mary, though in view of the Royal Marriages Act legal in the eyes of the State, was bigamous in the eyes of the Church, owing to his having previously contracted a marriage in Malta in 1890, three years before his wedding to the then Princess Mary of Tech, with a daughter of Admiral Sir Michael Culme-Seymour. It was impossible to track down this malignant story as long as it merely passed from lip to lip, but at the end of 1910 an obscure Republican magazine, printed in Paris and entitled the *Liberator,* had the temerity to reproduce it in print and to cause copies to be distributed in this country through its agent, one E. F. Mylius. The opportunity being thus presented of scotching the rumour once and for all, His Majesty was eager that it should not be lost,

and proceedings for criminal libel were accordingly instituted against Mylius.

This charge had been decided upon in preference to the alternative charge of seditious libel, since it gave the accused the right to justify his accusations, if he could, which would not have been available to him as a defence to a charge of sedition.

The King had been anxious to attend the trial and give evidence, but the Law Officers were obliged to advise him that such a course was impossible and that, since they were the King's courts, he could not put himself in the position of being a witness before them. It was not a *'private privilege which the Sovereign could waive at pleasure," but "an absolute incapacity attached to the Sovereign by the Constitution for reasons of public policy."

The charge being upon an information for a criminal libel, the trial took place at the Law Courts instead of the Central Criminal Court before Lord Alverstone and a special jury.

Sir Rufus opened the case with dignity and restraint, emphasising that Mylius was not being prosecuted as a Republican for a political offence against the State, but as an individual who had chosen to defame gravely another individual who chanced to be the King.

In submitting this case to you, I do not ask you to deal with it in any other way than you would the most ordinary case as between one citizen and another. The same rules of evidence and the same considerations must apply. You have to determine this case, and you will determine it, of course, upon the evidence that will be laid before you. You will judge it fairly and impartially. You will, I am sure, consider everything that can possibly be said or may be urged either as defence or in any other way by the defendant. But you will also, I know, bear in mind tbis : that the King is none the less entitled to the verdict of a jury and to the protection of an English Court of Justice in any attack made upon his honour because he happens to be the King of England.

Mylius had not only distributed the paper but had himself contributed the offending article in his capacity as its "London correspondent." It was, however, soon abundantly clear from the evidence called on behalf of the Crown that he had never had the flimsiest foundation for his story.

Even in the King's obligatory absence the witnesses, the Admiral, his sons, his only surviving daughter, Sir Arthur Bigge (later Lord Stamfordham), Private Secretary to the King, and the Crown-Advocate of Malta, were soon able to demonstrate beyond doubt that the King had never been in Malta at the same time as either of the Admiral's two daughters $ that Mrs. Napier, the

surviving daughter, had only met the King on three occasions, the first when she was eight or nine years old, the second at a party at Lord Spencer's in 1893, and the third at Portsmouth while her father was Commander-in-Chief there $ and that the only opportunity that the other daughter, who had died in 1895, had ever had of meeting him was at a garden party at Marlborough House in the year of his marriage, 1893.

The whole article was thus shown to be a tissue of fabrications ; and Mylius, when the time came for him to make his defence, was at least wise enough not to attempt to justify his allegations, contenting himself with arguing that the particular procedure by criminal information which had been followed by the Crown had prejudiced his trial and that another form of information, which would have entailed the swearing of affidavits by the King and his presence in the witness box for cross-examination ought to have been adopted.

This plea was promptly overruled by the Lord Chief Justice who, since Mylius wished to call no evidence, then summed up to the jury. After a short absence they found Mylius guilty and he was sentenced to twelve months' imprisonment.

The proceedings then appearing to be ended, the crowd which had thronged the court was about to collect its belongings and depart when the Attorney-General rose again, holding in his hand a sheet of black-edged note paper, and, addressing the Lord Chief Justice, said :

Now that sentence has been passed in this case, there is a matter to which I should like to refer, and which I did not think Your Lordship would have thought it right for me to mention until after verdict and sentence had been passed.

I hold in my hand at this moment a document under the hand of His Majesty the King, from which with Your Lordship's permission I will read.

I am authorized by His Majesty to state publicly that he was never married except to the Queen and that he never went through any ceremony of marriage except with the Queen. And further that His Majesty would have attended to give evidence to this effect had he not received advice from the Law Officers of the Crown that it would be unconstitutional for him to do so. That statement, my Lord, is signed by the King himself.

Thus terminated a unique case, for their part in which both Sir Rufus and Sir John Simon were rewarded by appointment to be Knights Commander of the Royal Victorian Order as a mark of His Majesty's personal gratitude for their services.

Only two other cases of public interest fell to Sir Rufus's lot during that year : the one in which he appeared for the Admiralty in the litigation arising out of the collision between H.M.S. *Hawke* and the S.S. *Olympic* at the entrance to Southampton Water, the other in which he prosecuted at Exeter Assizes one Max Schultz, a German Doctor of Philosophy, for endeavouring to obtain information on naval matters for communication to the German Government.

Schultz had established himself in the neighbourhood of Plymouth and had there got in touch with two persons whom he hoped to persuade to sell him the required details to be procured by them from friends in the Navy. He assured them that he only wanted the material for the German Press, but they soon became suspicious and informed the authorities. Letters and a key to a code were found upon Schultz on his arrest, which made it possible to decipher the telegrams which he had been sending, the contents of which were so incriminating that no real defence to the charge was possible.

Schultz still maintained that the information was only sought for the benefit of newspapers, but it took the jury no longer than four minutes to reject that unconvincing story and to find him guilty, whereupon he was sentenced to twenty-one months' imprisonment in the second division.

Meanwhile there was no lack of activity in the political arena, with most of which the Attorney-General was closely connected. The Parliament bill, introduced in February, bristled with problems of constitutional law. The new Insurance bill, ultimately so smooth in its workings and so beneficent in its effects, was at first received with a chorus of execration from Friendly Societies, doctors, employers and domestic servants. The Naval Prize bill, based upon the Declaration of London, raised questions of the utmost importance in regard to prize law in the event of war. A new Trade Unions bill, designed to meet the situation created by the Osborne judgment, was accorded a very tepid reception. Moreover, the brilliance of the Coronation and its attendant festivities was in sharp contrast to the sombreness of the industrial situation, where strikes and rumours of strikes dominated the scene.

In the Coronation Honours List Sir Rufus was appointed a Privy Councillor, and among those similarly honoured, although a member of the Opposition, was Mr. F. E. Smith. Dissimilar as were the two men in. almost every respect, there was always a warm friendship between them ; and it is good to be able to record that even at that moment of political high temper "F.E." wrote

in answer to "Rufus's" note of congratulation : "My pleasure is all the greater for your name being in the same List." It was not without good cause that Rufus Isaacs always maintained that "there is no better friend than F.E."

With the Insurance bill Sir Rufus was constantly engaged, both inside and to a far greater extent outside the House. His years at the Bar had given him wide experience of conducting delicate negotiations for the settlement of cases as well as of handling many types of people in many different moods. Much of his time was consequently spent in receiving, either alone or in company with Mr. Lloyd George, indignant deputations which came to voice their grievances against the new proposals, listening to their objections, placating their wrath and ushering them out, if not converted, at least reassured.

In this way many of the more formidable obstacles which would otherwise have blocked the progress of the bill through Parliament were removed in advance, though its path was still far from smooth and in committee multitudinous amendments had to be considered and their acceptance or rejection, either total or partial, decided upon.

Sir Rufus himself introduced the Trade Unions bill, which was intended to give to the unions power to raise funds for political objects by means of a purely voluntary special levy, which itself could not be made until authorized by a majority after a ballot. For this purpose the Registrar of Friendly Societies was to decide whether any particular object was political or not.

But Mr. F. E. Smith for the Opposition held the safeguards for the dissident minority to be quite ineffective and Mr. Ramsay MacDonald for the Labour Party wanted no such safeguards at all.

As regards the Parliament bill, a remarkable and wholly unexpected change had come over the situation at the beginning of the year owing to a sudden resolve on the part of the Peers to put their own House in order, Lord Rosebery and Lord Lansdowne agreeing as to the necessity, but not as to the nature, of the reforms.

The Government refused, however, to be impressed and proceeded on its way, in due course consigning the bill to the House of Lords, where, after a period of quiescence during the Coronation, it was considerably amended before being returned to the Commons. The Peers' amendments being plainly unacceptable to the Government and the presumption being that the Commons would return the bill to the Lords in its original form, the question then arose as to the course to be taken in those circumstances by the Conservative Peers.

A meeting of those concerned was to be held at Lansdowne

House on the afternoon of July 20, and on the morning of the same day Mr. Asquith informed Mr. Balfour by letter that he thought it "courteous and right before any public decisions are announced*' to tell him that, if the necessity arose, the Government would advise the King to exercise his prerogative to secure the passing into law of the bill in substantially the same form in which it left the House of Commons, and that His Majesty had been pleased to signify that he would consider it his duty to accept and act on the advice.

Opinion at the Lansdowne House meeting was sharply divided. Lord Lansdowne himself favoured a policy of resignation to the inevitable on the ground that the bill would anyhow be passed, that it was their duty to spare the King the necessity of exercising his prerogative for the creation of five hundred "puppet peers," and that after Mr. Asquith's letter they were no longer free agents ; while the veteran Lord Halsbury led the "no surrender" movement.

Passions were at boiling point, and when on July 24 Mr. Asquith rose to move the rejection of the Lords' amendments, he was shouted down by cries of "Traitor" and "Who killed the King ?", the Liberals later replying in kind by refusing a hearing to Mr. F. E. Smith.

In this overheated atmosphere, the temperature of which was not reduced by a vote of censure upon the Government moved by Mr. Balfour on the ground that the advice given to the King was "a gross violation of constitutional liberty," the debate was conducted and concluded by the rejection of all the amendments, and on August 9 the Lords began their crucial debate on the question whether they should acquiesce in the fate of their amendments or fight on to the end. On the next day the long-awaited division took place amid frantic excitement in a crowded House containing not a few "backwoodsmen" peers not normally to be seen within its precincts, and the motion not to insist upon the amendments was found to be carried by 131 to 114. Thirty-seven Conservative peers, together with the two archbishops and eleven bishops, voted with the Government and were denounced in the Press as an "ignoble band, lay and clerical, of traitors" and threatened with the punishment of having their names exhibited on a "black list" in every Conservative Club.

The Parliament bill thus reached the Statute Book, leaving in its wake an intensity of party bitterness which was to have constant repercussions and gravely to threaten Sir Rufus's own career in the remaining years before the outbreak of war plunged the past into oblivion.

For the moment he had firmly established his position in the Government, and in so doing had grown perceptibly in stature. Though modest and unspoiled as ever, his whole personality had taken on a new assurance ; and, though he had lost none of his high spirits and little of his still youthful appearance, he had acquired a dignity of manner and bearing which, without ever degenerating into pomposity, was to grow in impressiveness with the passing of years.

With the Prime Minister and Mrs, Asquith he was on terms of increasingly warm friendship. He admired and enjoyed both Mr. Asquith's classic rotundity of mind and serene geniality of temperament and Mrs. Asquith's coruscating swiftness of brain and tongue. They played much bridge together, a game in which both men found great relaxation and which both played with an originality very disconcerting to their partners and highly diverting to themselves. With Mr. Lloyd George he was working in an ever closer political association and private intimacy in which the Master of Elibank shared. Among other Ministers, Mr. Churchill, Mr. McKenna and Mr. Masterman, that brilliant, wayward spirit rising so suddenly and as swiftly forgotten, were those with whom his personal relations were most cordial. For Sir Edward Grey and Lord Haldane (as the Secretary of State for War had now become) were apt in their own deep-rooted mutual sympathy to be somewhat detached from the lives of their colleagues ; and, though Sir Rufus would from time to time dine with them in Queen Anne's Gate, he never penetrated into their circle of intimates.

But Sir Rufus himself, though he made acquaintances and indeed admirers with ease, made friendships rarely and slowly. Even his friendship with Mr. Lloyd George and the Master of Elibank was based more upon constant association and identity of interests than upon any profounder harmony of spirit. The absence of any opportunity in his boyhood and early youth to make friends at public school or university, the difficulty of establishing lasting friendships with those with whom as a young man he had been thrown in contact for such brief periods and in such shifting circumstances, the scarcity of leisure hours during his years at the Bar, were all factors contributing toward his lack of close friends. Yet he never seemed to regret their absence, but to find almost all that he required of companionship in his wife and son and his nearest relatives.

During these years he was much sought after socially, for his qualities were such as to command popularity among men **and** women alike, and he thus acquired a large circle of agreeable

acquaintances. As a talker he was at his best when in a reminiscent mood, especially when his thoughts reverted to his days at sea or the more reprehensible escapades of his youth. He would then tell his story with so mischievous a light in his eye, so much animation and gusto, and so evident an enjoyment both in the tale and in the telling of it that he would keep his hearers enthralled. He enjoyed wit in others, even if he rarely achieved it himself. But humour he possessed in a high degree and, perhaps even more than a sense of humour, a vivid sense of fun. Gossip about people bored him intensely and he rarely embarked upon a discussion of abstract ideas, preferring to keep the talk to the affairs of the day. But intimacy had never come easily to him. His gaiety, vitality and charm, his power of appearing absorbedly interested in the conversation of wholly uninteresting people, were neither artificial nor superficial, but beneath them lay a core of reserve which grew more impenetrable with the passing of years. There was in his composition a strange blend of sentimentality and stoicism. He guarded jealously his own rigid self-control, and his embarrassed loathing of openly displayed emotions in others was his instinctive reaction against any possible assault upon his own. He hated rows and scenes, for the spectacle of human beings casting aside the decencies of normal intercourse made him acutely uncomfortable, and for the same reason he looked with icy disapproval at eccentricities of dress or behaviour. Moreover, he had a dislike almost amounting to prudishness of questionable jokes and stories, and any attempt to repeat one to him encountered so discouraging a reception that it would have taken a bold man and a still bolder woman to make the experiment twice. All these traits, seemingly so much at variance with his early life, were no doubt defensive in origin, outworks thrown up in the course of years as additional protection for that inner reserve which the stresses of his own life and the circumstances of his wife's prolonged ill-health had combined to impose upon him.

Being thus prone to suppress his deeper feelings, he found a compensating relief in the expression of such passing surface emotions as were evoked in him by an affecting play or film, at which he would weep copiously and happily, secure in the knowledge that, as soon as the light went up, his private safety curtain would fall again over his self-indulgence and shield it from the eyes of the world.

Had he had more spare time, he would have been an ardent theatregoer, and even as things were he would frequently devote a Saturday night in London to visiting a play.

Musical comedies and music halls never amused him, nor was

he greatly addicted to drawing-room comedies. He preferred something with action rather than dialogue, and he thoroughly enjoyed being made to laugh as well as to cry. He did not approach a play in a critical spirit, but was content to estimate its worth in relation to the personal pleasure he derived from it.

He was greatly entertained by Sir Herbert Tree's resplendent productions at His Majesty's and always did his best to attend first nights there, afterward going to supper in Sir Herbert's famous upstair room.

He regarded the Trees as the wittiest couple of his acquaintance, and on his very occasional visits to the Garrick Club, of which he had recently become a member, he counted himself fortunate if he found Tree presiding at the supper table.

But he rarely made use of the Garrick or of the Reform, to which he also belonged, since neither leisure, habit nor inclination predisposed him to club life.

Amiable and sociable though he was, he had little facility for that inner expansiveness which transmutes acquaintance into friendship ; and he rarely sought exclusively male society.

Nevertheless, his daily intercourse with his colleagues drew him much into their company in his hours of recreation. In those years Walton Heath was, after Westminster, the chief scene of Ministerial activity. There Mr. Lloyd George and Mr. Masterman had houses, and Sir George (later Lord) Riddell exercised a genial dictatorship , and there Cabinet Ministers foregathered during the week-end, especially during those months of the year when there was little attraction in leaving London for longer than a day.

The golf was neither skilful nor serious, but it formed an excuse for exercise and an opportunity for discussion. Foursomes were naturally preferred as supplying a larger quorum for these mobile meetings, but on occasions when the political sky was especially overcast a sixsome was not unknown. I have in mind one of these in particular, the participants in which were Mr. Lloyd George, Mr. Churchill, Mr. Masterman, Sir George Riddell, my father and myself. The first five marched round the course in serried ranks, absorbed in affairs of State, while my recognized task was to recall them from time to time to the realities of the situation by pointing out to each of the others in turn that he had either trodden on or walked far beyond his ball. Comparative silence was observed during the actual process of addressing the ball, but it was obviously regarded as an irksome waste of time and almost as the club descended the spate of conversation broke out afresh.

So long as the ball lay upon the fairway it had some chance of being played. But if, as not unnaturally happened on only too frequent occasions, it deviated into the heather, it was summarily abandoned, since the player concerned preferred losing the hole to missing the talk.

In contrast to this loquacious throng there would appear from time to time in the distance, accompanied only by a caddie, the aloof figure of Mr. Bonar Law, who on Mr. Balfour's resignation in the autumn of 1911 had become leader of the Opposition by an act of mutual self-abnegation on the part of Mr. Austen Chamberlain and Mr. Walter Long.

His accession to the leadership only served to inflame the passions of contemporary politics, and during the period up to the outbreak of war the House of Commons itself remained a seething cauldron likely to boil over at any moment.

Throughout 1912 the dominant issue was the Home Rule bill, around which centred a controversy of extreme bitterness culminating in the early autumn in the signing of the Ulster Covenant by nearly half a million people, who thereby pledged themselves "to use all means which might be found necessary to defeat the present conspiracy to set up a Home Rule Parliament in Ireland" and, in the event of such a Parliament being set up, to refuse to recognize its authority. In addition, hostility, especially on the part of the medical profession, to the new Insurance Act had by no means abated ; the Welsh Disestablishment bill was certain of determined opposition ; labour troubles were frequent and serious ; and the women's suffrage agitation constituted a most complex and wearing problem from which there was no escape. Moreover, there was always in the background the menace of the growing deterioration in Anglo-German relations.

The hectic, unstable post-war epoch is commonly contrasted with the placid security of the years immediately preceding the last war. But certainly so far as Ministers were concerned there was little leisure to savour the sensation of being either placid *ox* secure. Their responsibilities were overwhelming and their difficulties immense, nor was the strain lessened by the prevailing atmosphere of tense and rancorous hostility very different from the genteel discourtesies of to-day.

With the exception of Welsh disestablishment the special problems of the year were all such as to cast an immense burden upon the shoulders of the Attorney-General.

From the outset hs was constrained to devote much time to efforts at reconciling the opponents of the Insurance Act to its provisions. Moreover, the early days of March were marked by

the beginning of a coal strike which the Government was only able to bring to an end by introducing a Coal Mines (Minimum Wage) bill and forcing it through both Houses at high pressure, since the men refused to resume work until it had become law. Sir Rufus was only just free from his preoccupations with this bill when on April 11 the Prime Minister introduced the long-awaited Home Rule bill, and he found himself for the rest of the year involved in the lengthy debates which centred about it and obliged to take a prominent part especially upon its legal and constitutional aspects.

He spoke in the full-dress debate on the Second Reading and was in constant attendance during the acrimonious committee stage, being shouted down by the Opposition in one famous scene which terminated in the adjournment of the House by the Speaker and the hurling of a heavy book by an Ulster member, Mr. Ronald McNeill (afterwards Lord Cushenden), at Mr. Churchill.

Meanwhile the Unionist campaign throughout the country had grown in vigour and intransigence. At a great meeting near Belfast a few days before the introduction of the bill nearly 100,000 Ulstermen had marched past Mr. Bonar Law and Sir Edward Carson in military formation, and had then repeated after Carson in unison : "We will never, in any circumstances, submit to Home Rule." Such scenes were enacted throughout the summer until they reached their climax in September with the issue of the Ulster Covenant.

In all these demonstrations Carson, who had abandoned his practice in order to dedicate himself to the Ulster cause, was the leading figure, and it was not long before demands that he should be prosecuted for sedition began to be voiced in Liberal circles which viewed his behaviour with indignation and apprehension. But Sir Rufus, though he would not have hesitated to proceed against his old friend if he thought it his duty to do so, was resolutely of opinion that the only effect of prosecution would be to make him a handsome present of martyrdom. Nevertheless, pressure to take action continued to be applied with growing force throughout Sir Rufus's time as Attorney-General ; and, though he persisted to the end in his original view, Carson's increasing provocation did not make his attitude of inaction easier to maintain.

Heavy as were his Parliamentary duties, the Attorney-General's work in the courts was no less arduous. Late hours in the House and early hours in his study combined to impose a tremendous pressure upon him ; but in spite of the warning examples of Lawson Walton's premature death and Robson's physical and mental exhaustion, he worked solidly on with no worse effects

than an inevitable weariness from which his natural resilience enabled him speedily to recover during vacation and even week-ends.

In February, 1912, he was at Winchester, prosecuting another German spy, Heinrich Grosse, who had been busying himself at Portsmouth in trying to discover whether British submarines were equipped with guns. Grosse's defence was the somewhat ingenuous story that he had been investigating for purely commercial reasons the stacks of coal held for the Navy, in order that in the event of a coal strike German merchants might know the extent of the market open to them in this country. But unfortunately a letter was discovered among his papers which, when deciphered, made it abundantly clear that his activities were not as harmless as he claimed, and he was convicted and sentenced to three years' penal servitude.

Next came early in March the trial of the Seddons before Mr. Justice Bucknill at the Central Criminal Court, notable as being the only murder trial in which Sir Rufus ever took part during his years at the bar. He certainly did not relish the experience either in anticipation, realization, or retrospect, and only decided to conduct the prosecution in person in deference to the tradition that on a charge of killing by poison one or other of the Law Officers should represent the Crown.

The story unfolded by Sir Rufus for the prosecution was of unrelieved sordidness and cupidity, so lacking in any glimmer of ordinary human feelings as to be almost incredible and admittedly based wholly upon circumstantial evidence as to the administration of poison. The gist of the case against Seddon was that, having first persuaded a Miss Barrow, a spinster who lodged in his house, to hand over all her possessions to him in exchange for an annuity to be paid to her by Seddon himself, he had then poisoned her by introducing into her food or drink a solution of arsenic obtained from fly papers, in order that he might be freed by her death from his obligation to continue to pay her the annuity. His wife was indicted with him as having been his accomplice in the perpetration of the crime.

As Seddon himself said in the course of the trial, if the case for the prosecution were correct, it would make him out to be "a greedy, inhuman monster/' and it was plain that one of the difficulties in the way of the Crown, in addition to the absence of direct evidence, would be the reluctance of any ordinary juryman to credit another seemingly ordinary human being with such premeditated inhumanity. The whole story sounded too bad to be true.

Frederick Seddon was to all outward appearances a commonplace individual of the "black-coated worker" class, who lived with his wife and family in one of many acres of similar North London houses, 63, Tollington Park. He had been for a long time employed by the Industrial Assurance Company, since 1901 as a superintendent of canvassers, and was regarded by his employers as efficient and reliable. But he was conceited, avaricious and tyrannical in the home, and, as his wife plaintively remarked during her evidence, always too busy with his own affairs to pay attention to anything she said. Mrs. Seddon was a faded, shadowy personality, from whom all colour and substance seemed to have been drained by long contact with her dominating husband, though she preserved vague traces of former prettiness.

Their house being too large for their immediate requirements, the second floor was let in July of 1910 to a Miss Eliza Mary Barrow, who remained with them as a lodger until her death in September of the following year. She was an unattractive person, forty-nine years of age, rather deaf and of eccentric habits, who had quarrelled with such few relations as she possessed and concentrated all her affections upon a boy of some ten years old named Ernie Grant, who was the orphan child of distant relatives with whom she had lived from 1902 till 1908. On the death of his parents she had adopted the boy and brought him to live with her when she moved into Tollington Park.

Between leaving the Grants and taking up residence with the Seddons, Miss Barrow and the boy had lodged with a Mr. and Mrs. Vonderahe, who were also related to Miss Barrow and chanced to live quite close to the Seddons' house.

At the time of her arrival at Tollington Park, Miss Barrow was possessed of property of various kinds amounting in all to a capital value of some £4,000. She had a strange love for hoarding gold and notes, and brought with her a box containing at least £400 in gold and thirty-three £5 notes.

She was taken ill on September 1, 1911, with symptoms diagnosed by the doctor as epidemic diarrhoea. On the eleventh she made a will, drawn up by Seddon, in which she made no disposition of cash or other property except her furniture, jewellery and personal belongings, which she left to the boy, Ernie Grant, and his sister when they came of age, Seddon to act as their trustee in the interval.

On the thirteenth she became rapidly worse and was in great pain. Ernie Grant, who usually slept with her, was sent down to fetch the Seddons, who came up and then went away again. Later he again came for them and this time Mrs. Seddon sat down

in a chair and dozed, while Seddon stood smoking his pipe just outside the door.

Soon after six o'clock on the morning of the fourteenth Miss Barrow died in the presence of both Mr. and Mrs. Seddon. Seddon thereupon went round to the doctor, who had not been summoned during the night, and obtained from him a certificate that death was due to epidemic diarrhoea.

Up to this stage there was no ground for suspicion. Miss Barrow had been ill for some days ; she had been attended by a doctor 5 when she died, the doctor gave a certificate without further ado, from which it might fairly be inferred that the intensification of her symptoms and her subsequent death were not abnormal consequences of her illness.

If Seddon had proceeded on the basis that she had died naturally from epidemic diarrhoea, and had not been so intent upon secrecy and haste, the probability is that no further attention would ever have been called to the matter. His precautions and his peculiarities were his undoing.

Without communicating with Miss Barrow's relatives, the Vonderahes, though they lived close at hand, Seddon visited the undertaker and, although he knew that she had the right to be buried in a family vault at Highgate, arranged for Miss Barrow to be put into a public grave at the least possible expense, explaining that after the doctor's fees had been paid there would be no money left to pay for a more elaborate funeral. Incidentally he took a small commission from the undertaker for introducing the business.

The burial took place on the sixteenth, none of Miss Barrow's relations having been given the opportunity to attend 5 and, though Seddon produced at the trial a copy of a letter which he swore he had written to the Vonderahes, informing them of Miss Barrow's death and of the time and place of the funeral, they denied ever having received the original. He said that he had not gone round to them himself or sent anyone of his family because on a previous occasion Mrs. Vonderahe had slammed the door in his daughter's face when she called on an errand for Miss Barrow, and that he consequently refused to have any further contact with them.

But Mr. Vonderahe got to hear of Miss Barrow's death and on the twentieth called on Seddon, who made excuses for not seeing him. On October 9 he called again, his suspicions having been thoroughly roused in the interval, and had an interview with Seddon, who refused to give him information as to Miss Barrow's estate until he could prove that he was entitled to it

as being the next of kin. They nevertheless had some conversation about her property, the result of which was to confirm Mr. Vonderahe's suspicions and to lead him to communicate with the police.

Inquiries were thereupon commenced, Miss Barrow's body was exhumed, and it was not long before the combined investigations of the police and the analysts made the story of her death from natural causes appear highly improbable.

In the first place, the body was found to contain traces of arsenic in sufficient quantity to have caused death. It was then discovered that Maggie, the Seddons' sixteen-year-old daughter, had bought a packet of arsenical fly papers, each containing more than sufficient arsenic ta kill an adult, on August 26, only a few days before Miss Barrow was taken ill.

During her illness Miss Barrow had been looked after by Mrs. Seddon, who had prepared for her Valentine's meat juice and tea, into either of which a solution of arsenic obtained by boiling the fly papers could have easily been poured without fear of detection, provided that it was not so strong as to discolour the liquid with which it was mixed.

Apart from the doctor and Ernie Grant and a single visit from Seddon's father, no one but Mr. or Mrs. Seddon had entered Miss Barrow's room during the last fortnight of her life. Moreover, the position in regard to her property was surrounded by dubious circumstances.

By the time of her death all her property had passed into Seddon's hands, according to him in return for an annuity which he had agreed to pay her, though he had provided no security for his ability to discharge his obligation. As regards the £400 in gold which she had once possessed, only a sum of under £10 in cash was said by Seddon to have been found at her death, together with personal belongings valued at £15.

She had also drawn out from a savings bank in June, 1911, in the company of Mrs. Seddon, a sum of £216.

On the evening of her death Seddon was seen by two of his subordinates in his office in the house counting out something like that sum of money in gold and putting it into bags. In the few days after Miss Barrow's death he was found to have paid out over £150 in gold for various purposes. As regards the bank notes, every one of the thirty-three was traced into the possession of either Mr. or Mrs. Seddon, Mrs. Seddon having written fictitious names and addresses on the backs when cashing those handled by her at shops in the district where she was not known.

Moreover, it was not without significance that on the day

after Miss Barrow's death Seddon had taken to a jeweller a ring which had been her property to be enlarged and a watch which bore her mother's name to have the name erased and a new dial fitted. Why this indecent haste to have the alterations made even before the funeral, if there was nothing to conceal ?

The cumulative effect of all these incidents was such that, although there was no direct evidence of the administration of poison to Miss Barrow by either of the Seddons, they were both arrested and charged with her wilful murder.

At the trial Sir Rufus found himself opposed by Marshall Hall, whom he had known since his student days and befriended at a time when Marshall Hall's practice had gravely suffered from a series of sharp rebukes administered to him by different judges with whom his occasional flagrant indiscretions and quick temper had embroiled him in open court.

Marshall Hall, tall, handsome, eloquent, and flamboyant, utterly different from Sir Rufus in his style and methods of advocacy, was well suited to a case of this kind, for, being the son of a doctor, he possessed considerable medical knowledge and was at his best when he had the opportunity to use it.

Sir Rufus in opening told in some detail the history of Miss Barrow's life and death in the Seddons' house, pointing out that there were three main points for the jury's consideration, motive, opportunity and subsequent conduct.

Evidence was then called, including that of Dr. Spilsbury and Dr. William Wilcox as to the finding of arsenic in the body, and in his cross-examination of these experts Marshall Hall sought to prove that death had been caused either by the epidemic diarrhoea or alternatively by chronic, and not by acute, arsenical poisoning. He attacked the Marsh test, which had been employed, as being concerned with such minute particles that the slightest error in calculation would be sufficient to destroy the whole value of the test, and he endeavoured to support the theory of chronic poisoning by reference to the presence of a quantity of arsenic in the distal, as distinct from the proximal, ends of the hair, which Dr. Wilcox agreed was more consistent with chronic than with acute poisoning.

This was a considerable success for Marshall Hall, but Dr. Wilcox was convinced that death had in fact been due to acute poisoning, though he was puzzled by the analysis of the hair. After reflection, the answer to Marshall Hall's point came to him, and he was recalled at a later stage of the trial in order to explain it. The hair which he had analysed had been lying for some time in the body fluid in the coffin and had been impregnated at the

distal ends with arsenic from that source. Marshall Hall's success was thus short-lived.

Nevertheless, though the judge rejected the submission by the defence that no *prima facie* case had been made out, the jury might well have hesitated to convict on the evidence for the prosecution, if Seddon had not insisted upon giving evidence and thereby both exposed himself to a cross-examination all the more deadly for being studiously fair and also revealed himself as a singularly unpleasant character, fully capable of committing the most cold-blooded crime.

The cross-examination opened with a totally unexpected question which appeared to disconcert Seddon. After fixing the dates of Miss Barrow's residence with him, the Attorney-General suddenly asked :

"Did you like her?"

"Did I like her?" replied Seddon uneasily.

"Yes, that is the question."

"She was not a woman that you could be in love with," answered Seddon, having gained by repeating the question an interval for thought, "but I deeply sympathized with her."

Sir Rufus then took him through all the financial transactions, and in this field Seddon felt himself on sure ground and able to give as good as he got. Asked whether Miss Barrow was not living well within her income, he replied tartly :

"I was the superintendent of an insurance company. I was not the housekeeper."

But in trying to explain why Mrs. Seddon had written a false name and address on the notes he was less confident and could offer no more cogent reason than that "she did not want everybody to know who she was."

Moreover, he was driven to admit that he had given no security for the annuity, that he had endeavoured to carry out the whole transaction without the intervention of solicitors or stockbrokers, and that he had himself drafted the will on September 11.

By this time Seddon was getting into deep water ; and, though Sir Rufus was continually prefacing his questions by explanatory warnings—"Let me put to you the suggestion I am going to make so that you may understand it before 1 put the question to you" ; "I do not want you to fall into any trap, so that I am going to put the point of my question to you in order that you may just follow" ; "I want to give you this opportunity"—Seddon's answers became steadily less convincing. The terms of the will, which conflicted with the version of them given later by Seddon in the disputed letter to the Vonderahes ; his failure to mention to them the

withdrawal of the £216 from the savings bank and its subsequent mysterious disappearance ; his reluctance to admit Mr. Vonderahe's right to any information, were all having their cumulative effect on the jury's minds.

Finally came the questions :

"Have you ever heard of poisoning by arsenic taken from fly papers ?"

"Yes, since I have been arrested."

"Do you know that two-thirds of a grain of arsenic was found in the stomach and intestines of this lady . . . two months after her death ?"

"I have heard that."

"Can you account for the arsenic having got into her stomach and intestines ?"

"It's a Chinese puzzle to me."

But, if Seddon himself still professed mystification, the effect of the cross-examination upon those who heard it was to leave little doubt of his guilt.

Of Sir Rufus's cross-examination a high authority on the criminal law, the present Mr. Justice Humphreys, who was one of his juniors at the trial, has since said in the course of an address :

The case for the prosecution rested upon circumstantial evidence. It depended, to quote the opening speech of the Attorney-General, upon proof of three things—interest, opportunity, conduct. In such a case the explanation of the accused, if given in the witness box, is of the first importance, and this trial was distinguished by the most deadly cross-examination of an accused person which I can recall—all the more deadly because it was perfectly fair. The male prisoner was under cross-examination by Sir Rufus Isaacs for the greater part of a day. During that time the Attorney-General never raised his voice, never argued with the witness, never interrupted an answer, and scarcely put a leading question. The questions and the manner of putting them were pre-eminently fair. Seddon was taken through the history of the case and invited to give his own explanation of every material matter. The result was to turn what was always a strongish case into a conclusive one.

The editor of the volume devoted to the case in the Notable Trial Series refers in his Introduction to the "cold and remorseless methods" of Sir Rufus in which he finds "more of the vengeance of a destroying angel than the scrupulous moderation of a high officer of the Crown" —what that means I do not profess to understand. The impression created at the time and. strengthened by perusal of the fifty-odd pages of close print occupied by the cross-examination was that Seddon left the witness box having explained away nothing of the case against him but with his true character revealed as that of a hard-headed, clever,

grasping and heartless individual—just the type of a man who might be capable of watching without pity the painful death in his house from the poison he had caused her to take of a woman from whom he had received nothing but benefits. If that was one of the objects of the prolonged cross-examination it succeeded to the full. I venture to recommend to any young barrister in search of a model cross-examination and to any medical man who aspires to become an expert witness the perusal of this interesting trial.

Mrs. Seddon followed into the witness box and was cross-examined chiefly on the giving of the false names and addresses and on the events of the night before Miss Barrow's death. Her evidence took the matter little further.

Then came Maggie Seddon, who denied having been to the chemist to buy fly papers on August 26, and at the end of her cross-examination Marshall Hall launched out on a final speech of great power and eloquence.

He did not deny that, if the jury accepted the evidence against the Seddons, there was sufficient proof of opportunity and motive ; but he stressed the point that, if Seddon was found guilty, it meant that he was clever enough to have discovered everything about arsenic except its preservative effects upon the body and to have thought of every precaution except the simple one of cremation, for which nothing more was required than a certificate from a second doctor.

He insisted that Seddon's attitude toward the Vonderahes could be explained by the difficult position in which he found himself in relation to them, if he was an innocent man ; he strongly attacked the evidence of identification of Maggie Seddon by the chemist, who said that he had sold her the fly papers, and he concluded with a sounding peroration concerning "the great figure of Justice which towers over all our judicial proceedings," finishing with a passage of moving earnestness :

Gentlemen, the great scientists who have been here have told us much of the marvels of science and of the deductions that can be made from science. There is one thing that scientists have never yet been able to find, never yet been able to discover with all their research and all their study, and that is, how to replace the little vital spark that we call life. Upon your verdict here depends, so far as I am concerned, the life of this man. If your verdict is against him, that vital spark will be extinguished, and no science known to the world can ever replace it.

Mr. (now Sir) Gervase Rentoul, who represented Mrs. Seddon then added a brief appeal on her behalf, and Sir Rufus replied for the Crown in a speech which rightly attempted no flights of

oratory but confined itself to a definition of the issues and an analysis of the evidence in regard to each. Did Miss Barrow die from arsenical poisoning ? If so, was the poison administered by Mr. or Mrs. Seddon ?

His final words were a sharp contrast in their simplicity to Marshall Hall's dramatic exhortation :

All I ask you is, when you have made up your minds, not to shrink from the conclusion to which you think you are forced by the evidence that has been given. If you are satisfied, say so, whatever the consequences. If you are not satisfied, do not hesitate to acquit either the one or both. Give effect to the results of your deliberations . . . and justice, I am satisfied, will have been done.

There were passages in the Attorney-General's final speech which seemed to indicate to the jury the possibility of convicting Seddon while acquitting his wife, and this outcome was rendered more probable by the summing up of Mr. Justice Bucknill, which was on the whole adverse to him but favourable to her.

The strain had told upon the judge, who was old and in failing health, and the summing up was more cursory and less helpful than might have been expected after a trial lasting eleven days -7 but after only an hour's absence the jury found Seddon guilty and Mrs. Seddon not guilty.

At once Seddon turned to his wife and gave her a resounding kiss before she was taken away, weeping hysterically, and he faced the judge to make a long and carefully prepared statement, in which once again he denied his guilt, swearing it in Masonic form "by the Great Architect of the Universe."

The judge was deeply affected, for he was himself a prominent Freemason, and his voice faltered and broke as he passed sentence of death. The spectacle of the judge's distress in addition to the poignancy which is inseparable from the last scene of a murder trial greatly moved everyone in the thronged court except Seddon himself, who appeared to regard such an exhibition of human frailty with detached contempt. When it was all over, he turned on his heel and marched from the dock with firm step and defiant eyes.

The judge paid tribute to the "remarkable fairness" with which the Attorney-General had conducted the case, and Marshall Hall did likewise in terms of unqualified praise. But Sir Rufus had found it a most trying ordeal and was thankful when it was over, though he had* no doubts of the Tightness of the verdict. He was greatly interested to learn later that in his younger days in Liverpool Seddon had followed with the closest attention the

Maybrick case, in which poisoning by arsenic from fly papers had been the central theme.

Seddon's appeal to the Court of Criminal Appeal was dismissed and he was in due course executed, protesting his innocence to the end.

Mrs. Seddon achieved one more glint of notoriety by contributing to a newspaper a version of a confession by her husband which she subsequently disavowed, justifying her action as an attempt to exculpate herself in the eyes of her neighbours who continued in spite of the jury's verdict to regard her as a murderess.

Sir Rufus had for years past been the recipient of what would be called nowadays a "fan mail", which reached its greatest volume at the time of this trial.

These letters emanated from people who appeared to spend their lives in listening to his cases in court, the more enthusiastic following him from one court to another as the exigencies of the situation required his presence in each.

Certain of them, although they only knew him by sight, would address to him letters not only of appreciation but also of criticism, designed to be helpful and pointing out how, if the writer had been cross-examining a certain witness, he would have framed a particular question in preference to the form in which it had actually been put.

There were also the usual lunatics, two being especially methodical and persistent in their correspondence.

The one, signing himself "The Only Brown," was under the impression that he was the rightful King of England, and when Sir Rufus became in succession Solicitor- and Attorney-General he addressed to him letters, couched in grandiloquent language, which constituted his patent of appointment to these offices in the service of "The Only Brown."

The other was a lady who wrote several times a week for many years from a private asylum. He knew nothing of her, but she conducted the correspondence upon the basis that they were engaged to be married, and much of her letters was taken up in warning him against "that Alice Cohen," whom she looked upon as seeking to alienate his affections from herself. She also gave in great detail her ideas for the decoration of their future home, though unfortunately her taste ran chiefly to green plush.

The Attorney-General's next task after the Seddon case, though concerned with a less serious charge, was almost equally distasteful. The agitation in favour of women's suffrage had been closely interwoven into the whole fabric of domestic politics for the past few years. When Ministers had first been interrupted at

public meetings by shrill cries of "Votes for Women !" the disturbers of the peace had been regarded as harmless, if tiresome, eccentrics $ but, as time went on, their activities, far from languishing, became a positive menace to public order. They chained themselves to the railings of Ministers' houses and of the Strangers' Gallery in the House of Commons. They concealed themselves beneath platforms and emerged, dusty but indomitable, to shout their slogan at the crucial point of a speech. They shadowed Ministers at their every public appearance and haunted them in their private lives.

Sir Rufus had himself always been in favour of granting them the vote, and had gone so far as to say that he saw no reason why a woman should not be Lord Chancellor if she were the best qualified candidate for the office. But his support of their cause did not deliver him from their attentions and he, like all his colleagues, was accompanied everywhere by detectives to protect him from sudden attacks. Mr. Lloyd George accompanied us to Marienbad in August of 1912 ; and, although he was equally sympathetic to women's suffrage, two detectives were in constant attendance throughout the holiday and would trudge gloomily round the local golf course behind the objects of their care lest a posse of strident females should suddenly spring out of the Austrian earth.

When Sir Rufus opened a new magistrates' court at Reading a feeble voice had cried : "Votes for Women !" as he arrived ; and this incident had for some reason been reproduced in the German Press in a highly exaggerated form, one cutting describing a violent and concerted attack upon him, "against which the poor old gentleman was quite unable to defend himself."

Sir Rufus was not allowed for some time to forget this picture of himself and was commonly referred to by his family as "the poor old gentleman."

With the introduction by the Prime Minister of a Manhood Suffrage bill the agitation had taken a new turn and the "militants" occupied the centre of the stage. Attention was no longer confined to Ministers, but was directed against the public at large in an effort so thoroughly to disorganize the life of the country as to drive the Government to surrender. Vitriol was poured into letter boxes ; plate-glass windows were smashed by the hundred ; the runners in the Derby were molested ; and processions were arranged on such a scale as to make it impossible for the police to cope with the demonstrators or for the prisons to contain those who courted arrest.

The Government replied by arresting Mrs. Pankhurst, **the**

leader of the movement, Mr. and Mrs. Pethick Lawrence, and Mrs. Tuke, who were together the chief figures of the Women's Social and Political Union ; and it fell to Sir Rufus's lot to prosecute them on a charge of conspiracy to commit damage and injury.

Their defence was in substance that the blame for the state of affairs rested not upon them but upon Ministers whose intransigence had goaded them to violent measures, and also that their speeches and actions had been less provocative than those of the Ulster leaders, against whom no steps had been taken.

But the jury proved unresponsive to these pleas and found all the defendants guilty, whereupon Mr. Justice Coleridge sentenced them all to nine months' imprisonment in the second division, refusing to treat them as first-class misdemeanants since they openly avowed their intention to continue to break the law.

As the judge rose from his seat there were hisses and cries of "Shame," while the defendants held something like a reception in the dock, friends and sympathizers crowding round and shaking them by the hand, as they smilingly acknowledged these effusive farewells. Meanwhile, the occupants of the gallery waved and blew kisses and called good-bye.

Though these were the only proceedings against the "suffragettes" in which Sir Rufus appeared, their spreading activities caused him great and continuous anxiety. The policy of hunger-striking by those in prison, with its inevitable counter-policy of forcible feeding, constituted an increasingly acute problem only partially solved by the so-called "Cat-and-Mouse Act," by virtue of which they were allowed out after a period, only to be re-imprisoned as soon as they had to some degree recovered from the consequences of their own prolonged refusal to eat.

Into this atmosphere of strain there was suddenly projected in April of 1912 a disaster so vast in scale and so dramatic in circumstance as momentarily to dwarf all other events. The newest White Star liner, *Titanic,* had set out from Southampton on April 10 in all the pride of her unprecedented tonnage and design, bound on her maiden voyage to New York. On the night of April 14, in clear, cold weather, she struck an iceberg a glancing blow which tore open a number of her watertight compartments below the water line. Four hours later she' was at the bottom of the Atlantic. Of those on board only 703 were saved out of a total complement of 2,206. Neighbouring ships had been summoned by wireless as soon as the danger was ascertained, but there was none close enough at hand to arrive on the scene till five hours after she had sunk, except the Leyland liner, *Californian,* which had seen signals but had for some reason disregarded them.

After the first stunned bewilderment public feeling began to manifest itself in a series of bitter attacks upon the owners, who were alleged to have sacrificed safety to speed by insisting upon the captain taking a dangerous route for the time of year and maintaining a hazardous speed in face of the probable presence of icebergs. They were further attacked for the insufficient supply of boats, while Mr. Bruce Ismay, the managing director of the line, who chanced to have been on board and among the saved, was the object of all sorts of wild charges, from having interfered with the proper navigation of the ship to having saved himself at other people's expense. Sir Cosmo Duff-Gordon, a passenger, was likewise held up to obloquy for having, as it was alleged, bribed the crew of a lifeboat to row him and his wife to safety in a partially empty boat instead of returning to rescue others.

So widespread was the general perturbation and so prevalent were the particular rumours that the inquiry which the Government decided to hold roused immense interest. Lord Mersey, formerly, as Sir John Bigham, President of the Probate, Divorce and Admiralty Division, was appointed to preside over the tribunal ; Sir Rufus and his Solicitor-General, Sir John Simon, both appeared for the Board of Trade ; while Sir Robert Finlay led for the White Star Line and various other interests were separately represented.

The court sat on thirty-seven days and examined nearly one hundred witnesses, finally issuing its unanimous report on July 50. It found that the accident was due to excessive speed, but that no blame attached to the captain as he had only followed a regular practice, though he had made a grievous mistake.

Mr. Ismay and Sir Cosmo Duff-Gordon were exonerated from all blame.

The commissioners held that boat accommodation should in future be provided for everyone on board, that there should be more frequent inspection of boats, more regular boat drills, and more continuous wireless-telegraphy service. They also found that the *Californian* could have pushed through the surrounding ice and reached the *Titanic* in time to rescue most, if not all, of those on board.

Before this inquiry had terminated, the Attorney-General plunged into the far longer and more intricate arbitration in which was discussed for seventy-one days the amounts payable by the Postmaster-General to the National Telephone Company as compensation for the #taking over by the Government of the telephone service. It was nearly Christmas before a figure of over £12,500,000 was awarded to the company together with their costs.

• Meanwhile an incident had taken place which closely affected Sir Rufus. On June 10 it was announced that Lord Loreburn had resigned the office of Lord Chancellor and that Lord Haldane, the Secretary of State for War, had been appointed to succeed him.

Now a venerable tradition had established that the Attorney-General was normally entitled to the reversion of that high dignity ; and, though Sir Rufus had no thought of disparaging Haldane's personal qualifications for the appointment, he nevertheless felt that both he and his own office had something of a grievance. He therefore sought out the Prime Minister and laid the matter before him, but was not wholly mollified by Mr. Asquith's explanation that ever since the formation of the Government there had been an understanding between him and Lord Haldane that, if the latter would agree to accept the War Office in the first place, he should have the Lord Chancellorship whenever a vacancy occurred. Sir Rufus, who had never been aware of this private compact, was indignant, not only for personal reasons but on account of the break in the traditional rights of his own office, and did not hesitate to express to Mr. Asquith his resentment at this disregard of his claims as Attorney-General to promotion. The Prime Minister could obviously neither go back upon his promise to Lord Haldane nor cancel an appointment already made ; but with his great sense of justice he recognized the force of Sir Rufus's representations and readily accepted his proposal that, as a solatium alike to himself and to his office, he should join the Cabinet in order that the world might be shown that the Prime Minister had not doubted Sir Rufus's fitness for high office and that he acknowledged that the appointment of someone other than the Attorney-General to the Lord Chancellorship was a break with custom which called for some compensation.

On June 12 it was announced that he had been included in the Cabinet—then a unique honour for an Attorney-General—as a mark of the Prime Minister's appreciation of his services, but that it was purely personal to himself and not to be regarded as a precedent.

On the next day he took his seat at the historic table in Downing Street, but he was not called upon for long to perform the duties of door-keeper to the Cabinet room which in the days before the institution of a secretariat devolved upon the junior member, since he was relieved almost immediately by Colonel Seely (now Major-General Lord Mottistone), the new Secretary of State for War.

What threatened to be a set-back was thus transformed **into** an advancement. But the question whether a Jew is eligible **to**

hold the office of Lord Chancellor remained undecided, though Sir Rufus himself always held the opinion that there was no legal disability in the way.

Nevertheless, while he had felt obliged to make his protest against the ignoring of the claims of the Attorney-General to succeed to the Lord Chancellorship, he would have been greatly exercised in mind if he had been confronted at that stage of his career with the necessity to choose between acceptance and rejection. He was only fifty-two, and he would have hated the long hours of inactivity spent upon the Woolsack during debates in the House of Lords, without even the power of Mr. Speaker to preserve order 5 nor would he have found pleasure in presiding over the judicial sittings of the House or of the Privy Council, for his was not the type of legal brain of which Law Lords are made. Moreover, in spite of all his hard work and responsibilities and success, he had remained surprisingly young both mentally and physically. But as Lord Chancellor he would have felt constrained by the dignity of his office to put aside his exuberance and in so doing would probably have swung subconsciously to the other extreme and become prematurely old and grave. It is true that many of the same considerations applied to the Lord Chief Justiceship, which he was to accept within the space of fifteen months, but by that time events had ensued which robbed him of some part of his buoyancy for good.

In later years he himself came to the conclusion that for the Attorney-General to be a member of the Cabinet is in principle a mistake. His primary concern is less with laying down policy than with advising on questions of law ; and he is better able to fulfil this task if he is in a position to regard the successive problems as they arise with an impartial and objective eye than if he has been deeply engaged from the outset in the discussions from which they have emerged.

But for the moment everything had happened for the best, and he had the privilege of a seat in the Cabinet without any of the counterbalancing disabilities of the Woolsack.

The barometer of his own fortunes seemed set fair, provided that the Liberals remained in power, but already on the far horizon was a little cloud which was soon to swell to startling proportions and to burst with incredible violence. The origins of this storm lay in small beginnings a few months back.

On March 16, 1912, while we were at Fox Hill, the telephone rang. On answering it I found that it was the London correspondent of the *New York Times* speaking, and that he wanted from Sir Rufus a message to be read at a surprise banquet which his

paper was preparing in New York in honour of Commendatore Marconi and Mr. Godfrey Isaacs, younger brother of Sir Rufus and recently appointed managing director of Marconi's Wireless Telegraph Company, Ltd., who were due to arrive there that night.

I reported the request to my father, who was preoccupied with the coal strike, then at its height, and not best pleased at being bothered. He told me to inquire who else was being approached, and I ascertained that Earl Grey, Lord Avebury, and the Hon. Harry Lawson, at that time Conservative Member of Parliament for Mile End and afterward the second Lord Burnham, had already agreed to send messages for the occasion.

Thereupon, while the Press representative held the line, we hastily concocted what we considered an adequate message for an occasion of no particular public importance :

Please congratulate Marconi and my brother on the successful development of a marvellous enterprise. I wish them all success in New York, and hope by the time they come back the coal strike will be finished.

This innocuous, if inartistic, text was duly transmitted to the waiting correspondent and the matter closed.

It may seem a trivial incident to record, but we had good reason not to forget it. For that unimportant message was to be scrutinized, probed and analysed by a Select Committee of the House of Commons, to have the most distorted and sinister construction put upon it, and to be used as the basis of many weary pages of cross-examination and many fiery columns of invective.

For the next eighteen months the word "Marconi" was to ring in our ears, dominate our thoughts, obsess our dreams, and confront our eyes in every paper and on every placard, till we were all near to breaking point.

Nor was it only our private happiness that was to be shattered. Other ministers besides the Attorney-General were to be savagely assailed and the Government itself put in peril of defeat.

At that time the development of wireless telegraphy was in its comparative infancy. Commendatore Marconi had already proved the value and efficacy of the invention, and an English company, the Marconi Wireless Telegraph Company, Limited, had been in existence for several years. But from the commercial point of view the undertaking had met with little success and by the end of 1908 was scarcely in affluent circumstances. Commendatore Marconi had hitherto himself been the managing director,

but his main preoccupation was rightly with the scientific side, and he had neither the time nor the experience to devote to the development of the commercial aspect. Realizing the necessity for confining himself more closely to the technical side, he was looking about for a suitable man to conduct the business affairs of the company, when in the autumn of 1909 he was introduced to Godfrey Isaacs by his brother-in-law, the Hon. D. O'Brien, who had recently had business dealings with him and had formed a high opinion of his capacity. At that time Godfrey Isaacs, after an early apprenticeship in the family business, had been concerned with various companies, none of which had achieved unalloyed success. Nevertheless, he was a man of shrewdness, enterprise and energy, even if he had not yet justified the implicit faith which his father had always preserved in his ultimate success $ and he was quick to realize the potentialities of this new opening. But the Marconi Company was an unknown quantity to him, and he was reluctant to commit himself to the control of its destinies without a preliminary period of trial. It was accordingly arranged as the result of many conversations with the directors that for a period of six months he and Commendatore Marconi should be joint managing directors, in order that Mr. Isaacs might have the advantage of this time in which to make himself acquainted with the company's affairs and to decide whether he was prepared to assume responsibility for their conduct.

He accordingly took up the duties of joint managing director on January 25, 1910, but did not finally agree to accept the appointment of sole managing director until August of the same year.

At the time of Godfrey Isaacs' negotiations with the board of the company and of his assumption of the duties of joint managing director, his brother, Rufus, was still a private Member of Parliament and did not enter the Government as Solicitor-General until March of 1910. Moreover, there was at that time no thought on the part of the company of opening negotiations with the Government for a contract to erect stations. That proposal was first brought to Godfrey Isaacs' notice by one of the company's engineers in March, 1910, and he was at once impressed with the importance of the suggestion. Other companies, notably the German Telefunken, were working for the establishment of a chain of wireless stations throughout the world, and, as it was at that stage impossible to build stations within hundreds of miles of each other without constant interference, there was clearly little room for competitive systems. Naturally the Marconi Company was anxious to obtain as soon as possible a grant of licences to erect

stations on British soil ; and in March, 1910, the company wrote to the Colonial Office, applying for licences for twenty years to establish eighteen different stations in England and the Empire, so as to provide wireless communications between England, India, Australia, Africa, Canada, and the West Indies. These stations were to be worked entirely by the company, which did not ask for a subsidy. No answer having been received, Mr. Godfrey Isaacs wrote a further letter on November 24, in reply to which he was informed that the matter was one which would require consideration by the Imperial Conference to be held at the time of the Coronation of the new King, George V, in June of the following year.

But Godfrey Isaacs was not content to let matters rest and on January 16, 1911, he wrote once more, pressing for an early decision and pointing out that the German Telefunken Company were making strenuous efforts to arrange a scheme of wireless communication round the world, though of course not on British soil. This time his persistence was not without reward, for the matter was referred to the Cables (Landing Rights) Committee, which recommended in May that stations should be established and owned by the Government, that six should be put in hand at once, and that immediate steps should be taken to come to favourable terms with the Marconi Company for the use of their system of wireless communication.

It may be noted that this committee did not advocate the useless formality of asking for tenders, since no other practicable system was in existence except the Telefunken, which was clearly ruled out for strategic reasons.

It is interesting to look back upon this correspondence in the light of events from 1914 to 1918 and to realize how valuable were Godfrey Isaacs' services in impressing upon the Government the urgency of the matter from the Imperial point of view and the danger of allowing the German company to anticipate the British scheme for the erection of stations. Meanwhile, the proposal continued its career from one committee to another, and in June a sub-committee of the Committee of Imperial Defence reported in favour of the Cable Committee's recommendations, adding its own plea that action should be taken before the end of the year and that arrangements should be made with the Marconi Company to erect stations at cost plus a percentage to be agreed between the parties as a reasonable profit. They recommended that, in the event of failure to arrive at an agreement, the work should be undertaken by the Admiralty, though actually that department would have been in grave difficulty in undertaking it,

since their trained personnel was limited in numbers and sufficient men could scarcely have been spared for the purpose, while the Post Office was wholly lacking in experience of long-distance wireless communication.

At this point the Postmaster-General, Mr. Herbert (now Viscount) Samuel, first came upon the scene in connection with these proposals in order to give effect in his official capacity to the recommendations of the two committees. His first step was not to exercise his own judgment but to summon a meeting of yet another body, the Imperial Wireless Committee, composed of representatives of the Government departments concerned and of the Dominions and India, which in its turn approved the project and charged the Post Office with the task of preparing terms for submission to the company. Tentative terms were accordingly drafted by the Post Office and approved by the Cables Committee, and only then did the actual negotiations commence between Mr. Herbert Samuel on behalf of the Government and Mr. Godfrey Isaacs on behalf of the company, the position of which had been strengthened in the interval by the purchase of the rights in certain patents of the Lodge-Muirhead Syndicate, a competitor obviously entitled to the greatest respect from its association with the name and work of Sir Oliver Lodge. Meanwhile, a syndicate formed to exploit the rival Poulsen system had come forward with a tender, but the Imperial Wireless Committee, while recognizing the soundness of this system in principle, were impressed by its untried nature and did not consider that sufficient staff, capital, or experience were available for the construction of stations such as the Post Office required. Moreover, the syndicate asked for twelve months in which to prepare a demonstration, together with a provisional agreement that they should be given the contract if the demonstration proved satisfactory. In view of the experimental character of the system and the urgency of the problem, the Imperial Wireless Committee refused to accept either of these conditions, and the tender was consequently rejected.

Negotiations between the Marconi Company and the Post Office proceeded at a leisurely pace, but early in February of 1912 the parties at last found themselves in accord, each making concessions in order to meet the other halfway. On February 15 the company submitted a formal tender incorporating the agreed terms which was provisionally accepted in writing on behalf of the Post Office on March 7, subject always to the necessary ratification by the House of Commons.

During the whole of these negotiations Sir Rufus had never been in any way consulted on behalf of any of the departments

involved, and indeed had been unaware that such an agreement was in contemplation until his brother Godfrey informed him casually at a family function, some days before March 7, that he hoped to get a contract with the Government signed in the near future.

The laborious procedure which had been followed in this particular case was in no way different from that usually pursued in connection with Government contracts. No normal step was omitted, and it would certainly be difficult to suggest that it had been hurried through or that its progress had been characterized by any element of furtiveness or suppression. Yet this was the contract which within a few months was being denounced as having only been obtained by the company as the result of a secret and corrupt arrangement between "the three Jews," Mr. Herbert Samuel, Sir Rufus, and Mr. Godfrey Isaacs, whereby the private fortunes of each had been vastly increased. The alternative, or sometimes complementary, story alleged that certain Ministers—the reference being generally understood to point to Sir Rufus, Mr. Lloyd George, and Mr. Samuel—had used the knowledge acquired by them in their official positions of the prospect of an agreement between the Post Office and the Marconi Company in order to buy shares in the company's undertaking at a few shillings each and subsequently resell them, after the agreement had been made public, at a very substantial profit.

Two powerful instruments for the dissemination of any such rumours to the discredit of Liberal Ministers were readily available, May fair and the Stock Exchange. To both of these sections of society the Government in general and Mr. Lloyd George in particular were anathema, and their dislike was not wholly inexplicable. During the twenty years before 1906 a Conservative Government had come to be part of the established order of life. The brief Liberal administration from 1892 to 1895 had merely served to expose the ineffectiveness and discord of the party and to ensure that there should be no further interference with Tory domination for another decade. The "khaki" election of 1900 had been little more than a formality, observed at a propitious moment and destined to confirm the Government in office during the possibly difficult years after the termination of the South Afican War.

The result of the General Election of 1906 had been against all the rules. The Liberal Party had refused to remain becomingly impotent and had asserted itself vigorously and successfully, aided by the healing of the feuds in its own ranks and the outbreak of open dissensions on tariff policy in the ranks of its adversaries.

Sir Henry Campbell-Bannerman, hitherto regarded by his opponents as an amiable and misguided mediocrity, had returned to the House of Commons as Prime Minister with a huge and motley phalanx of supporters behind him, some of whom were not at all in the orthodox tradition of membership of that hitherto exclusive club. The Liberal victory had been due in large measure to the trade unions, and a group of real live trade unionists was to be discerned on the left wing of the triumphant army.

Moreover, not only had the results been staggering but some of the methods employed in attaining it, notably the "Chinese slavery" cry, had increased the resentment against the victors.

After the death of Sir Henry Campbell-Bannerman in 1908 and the accession of Mr. Asquith to the Premiership, things had gone from bad to worse in Conservative eyes, for that objectionable Welsh attorney, Mr. Lloyd George, was no longer submerged in the comparative obscurity of the Board of Trade but in the full glare of the footlights as Chancellor of the Exchequer. His Budget set out definitely and deliberately to attack the privileged orders by assailing the ownership of land, and they took up the challenge with spirit. The taste of much of the ensuing campaign was not always impeccable. Posters depicting a congenital idiot in frock-coat and coronet above the legend : "What ! tax my land!" were followed up by the Chancellor's vehement speech at Limehouse, which added not only a new word to the English language but a new venom to contemporary politics.

There was also the hated Insurance Act, for which again he was regarded as responsible, and which aroused the stubborn opposition not only of the medical profession and the Friendly Societies but of innumerable outraged householders throughout the country, who met to proclaim their determination to die rather than submit to the weekly humiliation of licking stamps at the behest of the infamous Lloyd George.

Upon him, therefore, was concentrated, in addition to the bitter hostility against Liberal Ministers collectively inspired in all good Tories by the Parliament Act and in particular the Home Rule Bill, a special and personal animosity. No politician of this century has been more fiercely execrated than was the Chancellor of the Exchequer during the years immediately before the World War, and he only added to his offence by appearing to flourish on a diet of abuse.

The libel actions already referred to, which he had been obliged to bring against a number of newspapers for publishing gross and gratuitous imputations upon his private life, had scotched that particular batch of rumours, but they had been an indication of

the lengths to which his opponents were prepared to go to destroy him. Any other stories to the discredit of Ministers in general, but above all of Mr. Lloyd George, were sure of a cordial welcome and a wide currency in circles where the legend that he was suffering from an incurable disease of the throat had already been hopefully received.

It was in this atmosphere of deadly and unscrupulous personal enmity that the Marconi episode was born.

Although the English company was the first of the companies to be formed for the commercial development of the Marconi invention, by the end of 1911 others had come into existence with the same object in Russia, France, Spain, Canada, and the United States. The American company had not been a success, and its shares stood in the spring of 1912 at a discount. Moreover, it was having difficulties with the United Wireless Company of America, against which it had been obliged to embark upon litigation in order to prevent the infringement of certain of its patents. The trial of this action had been fixed for March 25, 1912, and it was for the purpose of being present at the hearing that Commendatore Marconi left England with Mr. Godfrey Isaacs on March 9 for New York, accompanied at his own request by Mr. Percy Heybourn, a member of the Stock Exchange firm of Heybourn & Croft, who were the largest jobbers in the Marconi market. The party arrived in New York on the sixteenth, and Commendatore Marconi and Mr. Isaacs were at once invited to attend on the same evening the surprise banquet which had been organized in honour of the great inventor by the *New York Times.* In the course of the proceedings messages paying tribute to the genius of the chief guest were received from England and read out to the company, among them being the message from Sir Rufus, of which earlier mention has been made. The text of these messages was made public in the next day's issue of the *New York Times,* which was legitimately concerned to acquire some kudos for itself as the organizer of the banquet, and was reproduced at a subsequent date in the *Financial News* of London.

Prior to his departure for America Mr. Godfrey Isaacs had received a visit from a gentleman acting on behalf of the committee of shareholders in the United Wireless Telegraph Company, then in liquidation, with the object of arriving at a settlement of the pending action. At that stage the negotiations were abortive, but on his arrival in New York Mr. Isaacs was again approached from the same quarter. Realizing that the tangible assets of the United Wireless Company covered practically the whole of the wireless business of America, he was impressed with the great

importance, actual and potential, of acquiring those assets, if they could be purchased at a reasonable price. He also foresaw that, if the possibilities of creating long-distance telegraph services to all parts of the world from America were to be fully exploited, it would be essential either to come to a satisfactory arrangement for the reception and distribution of wireless messages in America with one of the existing cable companies, or to set up the necessary machinery in competition with them. In pursuance of this project he decided to approach the powerful Western Union Telegraph and Cable Company, but it was obvious to him that before he could be in a position to put forward any acceptable offer the Marconi organization in the United States would require to be substantially strengthened. The capital of the American Marconi Company at that time was only one million six hundred thousand dollars, divided into sixty-four thousand shares of the value of twenty-five dollars each. As a preliminary to opening negotiations with the Cable Company, a meeting of the directors of the American Marconi Company was therefore called, at which Mr. Godfrey Isaacs expounded his scheme involving the increase of the company's capital to ten million dollars, of which one million four hundred thousand would be required to buy up the assets of the United Wireless Company, making with the issued capital a total of three million dollars, while the balance of seven million dollars was to be utilized in carrying out the work necessary for the proper expansion of the Marconi System's operations in America.

The scheme included the division of each existing 25-dollar share into five shares of 5 dollars each, and the offer, made obligatory by the laws of the State of New Jersey, in which the company was registered, to the existing shareholders of five additional shares of 5 dollars each for each 5-dollar share held. Thus every original shareholder of one 25-dollar share would obtain in the ordinary course five 5-dollar shares in conversion of his own 25-dollar share, together with the right to apply for twenty five further shares of 5 dollars each.

The American Marconi directors were impressed by the comprehensive character of the proposal, but somewhat taken aback by its magnitude and highly dubious of its success. They pointed out that the company had never paid a dividend, that its shares stood at a heavy discount, that they were held in small parcels by something like four thousand separate shareholders scattered all over the United States, many of whom would never even get to hear of the new offer, and that, even if they heard of it, they would be little inclined to take advantage of it. The board accordingly refused to agree to the proposed increase in capital unless Commen-

datore Marconi and Mr. Godfrey Isaacs were prepared to undertake that the whole amount would be subscribed. Mr. Godfrey Isaacs was not only ready but anxious to give the required undertaking on behalf of the English Marconi Company, which held the majority of the original 25-dollar shares (35,000 out of 64,000) of the American company ; but Commendatore Marconi hesitated to saddle the English company with so heavy a burden of responsibility and was only willing to give his assent if Mr. Godfrey Isaacs would personally take 500,000 of the 1,400,000 new 5-dollar shares available, leaving the balance of 900,000 to be guaranteed by the English company. To this proposal Mr. Godfrey Isaacs agreed, naturally not intending to retain so large a block in his own possession but to place them as and when opportunity offered.

On this basis the board of the American company accepted the scheme and decided to submit it for approval to a meeting of shareholders to be called for April 18. Meanwhile, armed with these new financial weapons, Mr. Godfrey Isaacs soon reached a successful settlement with the United Wireless Shareholders Committee, and also after more protracted negotiations arrived at terms with the Western Union Company which were signed on the evening of April 14, a few hours before he sailed for England at the conclusion of a visit with the results of which at that stage he had every cause to be satisfied. There remained the problem of placing his 500,000 shares, in regard to which it was necessary to make arrangements in advance, though they would obviously have to remain provisional in character until the shareholders' meeting, fixed for April 18, had been held and the increase of capital formally authorized. Immediately after the decision of the American directors on March 29, Mr. Godfrey Isaacs had called in Mr. Heybourn, and after outlining to him the new programme had then and there arranged to pace with him 250,000 of these shares at a par value of five dollars American or IA British currency, on condition that Mr. Heybourn would introduce them into the London and New York markets, supplying the principal dealers in London with a number of shares to be fixed by him at a price not exceeding l i , at which figure Mr. Isaacs hoped and believed that they could be introduced in England. He also placed 150,000 with bankers and others in the United States, and arrived in England on April 8 with the remaining 100,000 for disposal, since he did not wish to retain more than a few for himself, having no intention of making big money out of transactions in the shares of a company of which he was managing director.

On the following day, April 9, Mr. Godfrey Isaacs invited his two brothers, Harry and Rufus, to luncheon at the Savoy, and a

conversation took place between the three, which, however innocent and unimportant it may have seemed to the participants at the time, came very near to bringing Sir Rufus's career in public life to an abrupt and final close/

Mr. Godfrey Isaacs began by narrating the events of his recent visit to the United States, with special reference to his own undertaking to acquire the 500,000 shares in the American Marconi Company and the circumstances which had induced him to assume that liability, and went on to inquire whether either or both of his brothers would be interested in buying some of these shares, not only because he was anxious to be relieved of his burden but because he believed them to be a good proposition. Sir Rufus, who up to that moment had been wholly ignorant of the affairs, and indeed of the existence, of the American company, then proceeded to put a series of questions directed to a further elucidation of its position, the first and most important of which, from his point of view as a Minister of the Crown, was concerned with the relations between the American and the English Marconi companies. For unless he could be satisfied that there was no such connection between the two as would, or might, lead to the American company receiving an advantage, directly or indirectly, from the conclusion of a contract between the English company and the Government, he could not even consider the proposition.

His brother Godfrey reassured him. While the English company was a large shareholder in the American company, the American company had no interest in the profits of the English company and was in no way concerned with its undertakings. It made not a pennyworth of difference to the financial position of the American company, the transactions and operations of which were confined to the United States, whether the acceptance by the Government of the English company's tender ever matured into a formal contract or whether an Imperial wireless chain was ever established.

After a number of other questions had been asked and answered in the course of luncheon, Sir Rufus made up his mind that he would not avail himself of the offer on two main grounds : first, because he considered the proposed issue of capital very large, and secondly, because, although he saw no objection of any sort to his taking shares in the American company while he was a Minister of the Crown, he was of opinion that it was better that he should have no dealings with his brother Godfrey in view of the latter's position in the English company and that company's relations with the Government. He would have been spared twelve months of ceaseless torment if he had adhered to this decision.

After Sir Rufus's departure from the luncheon table the other two brothers continued the discussion at some length and in the end Mr. Harry Isaacs agreed to take 50,000 of the shares at IA, Mr. Godfrey Isaacs subsequently placing the whole of the remaining 50,000 among his colleagues in the English company, with the exception of only 2,500 which he retained for himself.

Within a few days of April 9 the market in New York began to show signs of interest in American Marconi shares, the price of which by the sixteenth had advanced to If, lit, and even If. Meanwhile, a vigorous boom had suddenly set in on the London Stock Exchange in the shares of the English company, which leaped up within a few weeks from 15s. to something over £9 a share, the highest price of 9¾being touched on April 16. A contributory factor was to be found in the appalling *Titanic* disaster on the fourteenth, which had impressed forcibly upon the public mind the need for more efficient and extensive use of wireless communication at sea.

On the seventeenth Mr. Harry Isaacs again met Sir Rufus and informed him that in his view the American Marconi shares were sure to rise higher, that they were an excellent investment, and that the price was then round about 2. He was very anxious that Sir Rufus should have some, not because he was desirous of unloading any part of his own substantial holding, but because he genuinely believed in the prospects and thought it a pity that his brother should not take advantage of so excellent an opportunity ; and Sir Rufus finally agreed to take ten thousand at 2. Mr. Harry Isaacs was prepared to let him have them at the price of ITV at which he himself had bought, but Sir Rufus refused to consider any other than the then market price, as he had not availed himself of the chance to buy at the lower figure. There was a very real difference between his buying these shares from his brother Godfrey and his buying them from his brother Harry, for in dealing with the latter he was paying exactly the price for which he could have bought the shares in the market, and he was carrying out no transaction with anyone who was in the position of wishing to make a contract with the Government nor conferring any advantage upon any such person.

But the transaction with Harry Isaacs was in no sense a cloak to cover up a transaction which, though nominally with Harry, was actually with Godfrey. It represented a perfectly genuine change of mind on Sir Rufus's part. Later on in the same evening Sir Rufus, finding himself as usual in the company of Mr. Lloyd George and the Master of Elibank, told them of his purchase and offered each of them a thousand of his shares, assuring them that

i he had satisfied himself that there was so clear a distinction between the English and the American Marconi companies that there was no reason why they should have any hesitation in holding shares in the American. Both Ministers accepted the offer, Sir Rufus telling them that they need not bother to pay at the moment, since the shares were not yet in existence, and that he would give them plenty of notice when he required the money/

On April 18 the meeting of shareholders in America duly authorized the proposed increase of capital, and on the next day the company issued in London a circular setting out all the arrangements made by Mr. Godfrey Isaacs during his visit to New York, including in particular the very important deal with the Western Union Cable Company. Mr. Godfrey Isaacs had naturally not been in a position to publish these facts until the American shareholders had met and come to a decision, though he had of necessity been free to state them privately to those people to whom he was offering a portion of the 500,000 shares.

The increase of capital being now authorized, there was nothing to prevent the shares being dealt in freely on the London market. Already on the eighteenth they had risen to 25/8 or 2¾ in America, and there had been dealings here between members of the Stock Exchange of sufficient extent to raise the price in London to 3 by the same night, while on the nineteenth it fluctuated between 3 and 4. On that day Sir Rufus communicated with his brokers, Messrs. Bourke, Schiff and Company, with whom he had dealt regularly for a number of years, and they expressed the view that the shares were far too high and strongly urged him to sell. Sir Rufus accordingly gave instructions to sell 5,000, and then telephoned to Mr. Harry Isaacs, who asked him to sell anything between 2,000 and 4,000 more. He actually sold a further 2,000, the whole 7,000 being disposed of at prices round about 3J. On May 5 he sold a further 1,000 at 21/6 1/6. In accordance with his invariable practice the whole of these transactions were carried out in Sir Rufus's own name. There was no attempt at secrecy, since there was no reason or desire for it. If it had ever occurred to him that the transaction was such as to require concealment, he would most certainly never have embarked upon it. The net result of the whole deal in the 10,000 shares was that by March of the following year he had incurred a loss of some £1,300.

During the first half of 1912 negotiations had been continued between the English Marconi Company and the Government in regard to the terms to be incorporated in the formal contract, and, so far at least as Sir Rufus or either of the other Ministers knew, there seemed no reason why matters should not be brought to a

successful and speedy conclusion. There was nothing to suggest that any important question of principle was outstanding or that any difficulty was likely to be encountered which would prevent the contract from being presented in its final form to Parliament and duly ratified before the summer recess. But no such smooth passage awaited the Marconi contract. Already at the beginning of the year there had begun on the Stock Exchange and in the clubs vague whisperings, which could not possibly have been inspired by the purchase of American shares three months later, that in some way some Ministers were somehow financially interested in the Marconi Company's negotiations with the Government being brought to a successful issue.

By April these rumours had acquired more extensive circulation and more concrete form. Two allegations began to emerge, the first, that the Attorney-General had used his influence at his brother's instigation to persuade the Postmaster-General to accept the Marconi Company's tender, and so to give that system a virtual monopoly to the exclusion of all other rival wireless undertakings ; the second, that certain Ministers, understood to be the Attorney-General, the Chancellor of the Exchequer and the Postmaster-General, had made immense fortunes by using their confidential and official information to buy Marconi shares at a low price and sell them again at the height of the boom. It was, of course, generally accepted that the English company was referred to, since otherwise the allegations lost their chief, if not their only, point.

In addition, Mr. Godfrey Isaacs was informed immediately on his return from America that a powerful syndicate interested in the Poulsen system was planning a campaign to prevent the ratification by Parliament of the Marconi contract. But he paid no more attention to this than to any other of the current rumours which had by that time reached his ears, and did not even attach sufficient importance to any of them to consider it advisable to tell Sir Rufus that they were in furtive circulation.

During the month of June various questions concerning the proposed contract had been addressed by members on both sides of the House of Commons to the Postmaster-General, who had declined to answer in detail until the contract had been laid upon the table of the House and the whole question of its ratification or rejection could be discussed. The contract in its final form was signed on July 19 and at once laid on the table. Meanwhile, the campaign of rumour had grown in scope and intensity until, simultaneously with the signing of the contract, it found its earliest expression in print in the first of a series of

articles written by a Mr. W. Ramage Lawson and published at weekly intervals, beginning on July 20, in the *Outlook*, a journal owned by the Hon. Walter Guinness, M.P., and edited by a Mr. Edwin Oliver. In these articles unmistakable insinuations were made against the personal honour of some of those concerned with the making of the contract, in particular Sir Rufus, Mr. Herbert Samuel and Mr. Godfrey Isaacs. These articles served to bring the existence of the rumours to Sir Rufus's notice for the first time, but he was immersed in public affairs and treated them as of little account, rightly attributing them to the malice of political opponents.

The time of the House of Commons had been occupied throughout the session by matters of great importance, and it was not till the last day before the recess, August 7, that room could be found for the motion to approve the contract with the Marconi Company for the establishment of a chain of Imperial wireless stations.

In his speech on this motion the Postmaster-General defended the fairness of the terms of the agreement and traced in detail the history of the protracted negotiations, pointing out that he had had no previous opportunity to put the House in possession of the facts, and that there was no substance in the allegation that members had been deliberately kept in ignorance of the details of the agreement, although the shareholders in the company had been informed of the position in the previous March.

Mr. Herbert Samuel presented a powerful case in favour of the contract, and he himself was so deeply impressed with the urgency for putting the work in hand that he had endeavoured in private conversation to remove in advance the objections of those members who were opposed to ratification. But it was soon obvious that he had failed to reassure the objectors and he terminated his speech, after an expression of regret that the debate had been held over until the last day of the session, by a statement that, if it was the desire of the House, the Government would not resist a motion that consideration of the matter should be adjourned. Thereupon Lord Balcarres (later the Earl of Crawford and Balcarres) as Opposition Chief Whip moved the adjournment, and further discussion of the question was postponed until the autumn.

On leaving London for Yorkshire the following day Mr. Herbert Samuel observed on the railway-station bookstall a new issue of an obscure and scurrilous weekly entitled the *Eye Witness*, of which Mr. Cecil Chesterton, brother of the more celebrated G.K.C., was then editor. It was virulent in tone and anti-Semitic in temper, one of those journals which thrive upon the publication of libellous matter, secure in the knowledge that an

action at law is more likely to lead to the dissemination of free publicity for the paper than to the recovery of any tangible damages by the victim. It has had its successors.

The particular paper had already displayed its hostility to Sir Rufus by accusing him in earlier issues of "using his position as a representative of the people in order to pay himself secretly enormous sums of money to be raised from those he was supposed to represent/' presumably an allusion to his fees as Attorney-General, though they were in fact greatly inferior to his earnings during the later years of his private practice. It had further charged him with unnecessarily dragging out the proceedings at the *Titanic* inquiry in order to earn the consequent refreshers.

The number dated August 8 referred to "the abominable business of Samuel, the Isaacs, and the Marconi Company/' and contained an article headed : "The Marconi Scandal," in which it was stated that "it has been secretly arranged between Isaacs and Samuel that the British people shall give the Marconi Company a very large sum of money through the agency of the said Samuel and for the benefit of the said Isaacs."

This was for the first time a definite charge, and, had it appeared in any reputable paper, those assailed would doubtless have at once taken the opportunity to institute legal proceedings. But even though the paper concerned was only the *Eye Witness*, the question whether action should not be taken required careful thought f and on the same day Mr. Samuel wrote to Sir Rufus, who was by then at Marienbad, a letter conveying his views.

DEAR RUFUS, As I was leaving King's Cross this morning, I saw on the bookstall a copy of to-day's number of Belloc's paper, the *Eye Witness*, with an article headed, "The Marconi Scandal." I found it to be a gross and unrestrained libel on you and myself. I had just time before the train started to address an envelope to you at the House of Commons and to put the article into it with a scribbled note. I have since obtained your address by telegraph and this letter, enclosing another copy of the paper, will probably reach you before the first. One's natural inclination is, of course, at once to have application made for a writ, and I am not at all sure that it is not the right course. There could be no possible doubt as to the result of an action. It is hardly necessary for me to say that during the long negotiations that preceded the conclusion of the contract there was no action of mine that I would wish withdrawn from any measure of publicity, whether in the courts or in parliament. The circumstances that deter me from at once coming to the conclusion that proceedings ought to be taken are the obvious ones : first, that this contemptible rag has a very small circulation j its pages are always full of personal abuse ; its articles cannot influence any opinion which.is worth having, and an action would give an immense

publicity to the libel . . . and one does not wish to soil one's hands with the thing. As there will in all probability be a Select Committee of the House of Commons in the autumn, to inquire into the wisdom of the contract, the report of that committee will supply a sufficient answer. On the other hand, it is a grave thing when ministers are directly accused of corrupt action by a newspaper, no matter how obscure and scurrilous, for them to do nothing. With your unrivalled experience of the law you are better able than I to judge what is best to do, and I will very gladly join you in proceedings if you think it advisable, or do nothing, if you consider that the better course. If you are of opinion that a writ should be issued and will wire me to that effect, I will go to town and see a solicitor and start the proceedings on behalf of both of us if you wish. ... If you are in some doubt as to the proper course you might think it well to consult the Prime Minister, and in that case I should be glad if you would send on this letter to him.

On August 14 Sir Rufus replied :

I received your letter and enclosure Sunday morning and wired you Monday, having taken twenty-four hours to consider. In my opinion your reasons for not proceeding by action outweigh the first and natural impulse to issue writs at once, but a little reflection convinced me that it was better to treat the rag with contempt—its malevolence and prejudice were so marked that only the most blinded partisan could be led to believe the statements. However, I thought it right (although I had no doubt as to the course we should pursue) to forward the paper and your letter with one from me much to the same effect as yours to the P.M. with the statement from me and with your assent expressed in your letter that, if he thought it better to proceed, we would at once take action. We are both members of the Cabinet of which he is head and we thought he was entitled to say that, although he agreed (or didn't agree) with our views, he thought such a charge should not be framed without public action being at once taken. I will wire you as soon as I have a reply.

I need not tell you, I am sure, that there is not one word of truth' in the statements about myself. I never held a share or an interest direct or indirect in this Marconi Company or indeed in any Marconi Company until after the contract with the Government was announced. I then bought some American Marconi's and hold some now—and except for that company, which is entirely independent of this country and is a separate company, I have not and never have had any financial interest of any kind in Marconi's. Although you have never mentioned any question to me of the Government contract, I did hear that it would probably be signed a day or two before the execution took place—and of course I knew the effect that the announcement was bound to have on the market, just as I knew from the first when my brother became managing director that the commercial development of the company would be great and rapid, but I thought (as you would have thought

in similar circumstances) that I would not touch the shares, and glad I am I took that view consistently from the first. I am not sure whether I ever told you this—that is why I write fully to you about it. . . . I am very glad you wrote to me and sent me the papers. L. G. [who was also at Marienbad] thinks with us and as Sir Charles Matthews [then Director of Public Prosecutions] was here I put it to him and he took the same view. I mentioned the last to the P.M. but said nothing about L. G. as I did not want to appear to press the P.M.—I wanted him to be quite free to take another view if he was so inclined.

In due course the Prime Minister's reply was received and his decision communicated by Sir Rufus to Mr. Samuel. Mr. Asquith had no doubts as to the right course, and the matter was accordingly allowed to drop.

MY DEAR RUFUS [he wrote], I have read carefully the scurrilous rubbish, and I am clearly of opinion that you should take no notice of it. Samuel gives some excellent reasons in his letter. I suspect the *Eye Witness* has a very meagre circulation. I notice only one page of advertisements and that occupied by books of Belloc's publishers. Prosecution would secure it notoriety, which might yield subscribers. We have broken weather, and but for Winston there would be nothing in the newspapers. Yours always, H. H. ASQUITH.

There was thus a complete and weighty consensus of opinion in favour of inaction, but whether the same people would have expressed the same views if they had been able to foresee the course of events during the next nine months, is open to grave doubt.

Looking back upon the position in the light of after-knowledge, it is impossible to resist the conclusion that much subsequent trouble would have been avoided by seizing this earliest opportunity to state on oath the full and true facts of the case before malevolent rumour had had time to confuse and exaggerate them beyond recognition.

It is a strange feature of the whole Marconi episode that, as soon as they came within its orbit, people of normally flawless judgment seemed to be stricken by an irresistible impulse to fall into error.

Meanwhile, the *Eye Witness*, rejoicing in its immunity, continued its campaign in a crescendo of invective from week to week, finding in the *Outlook* a valuable ally. Mr. W. R. Lawson, who was a member of the Stock Exchange and a writer on financial and economic subjects, had been asked in May of 1912 to investigate the position in regard to the Marconi Company with a view to contributing the series of articles to the paper which sub-

sequently appeared over a period of twelve weeks from July. His diligent researches had led him to unearth a number of rumours, all of which he was careful to introduce into his articles as rumours, in the hope that they would receive the fullest publicity without giving the persons attacked any opportunity to complain that he was making charges against them.

By September further reinforcements were in the field. Mr. Leo Maxse, who hated Liberals and Jews with impartial zest, brought the guns of the *National Review* to bear upon the controversy, praising and quoting Mr. Lawson's articles and adding the amiable comment that "in the face of their record of jobbery and robbery on a colossal and unprecedented scale, ministers can hardly be surprised at the currency of suspicion concerning their private concerns," an attitude of mind which at least supplied the key to the source of the inspiration behind the multiplicity of rumours. The political wish that they might be true was father to the journalistic thought that perhaps they were.

On September 14 Mr. St. Loe Strachey in the *Spectator* urged the need for inquiry, while refusing to believe that either Mr. Samuel or Sir Rufus had lent himself consciously to any secret financial manoeuvre for the enrichment of his friends, a point of view to which no exception could be taken, accompanied as it was by a general disavowal on the part of an ardent political adversary of any belief in the allegations against Ministers.

The October issue of the *National Review* concentrated its assault upon Mr. Samuel, adopting the familiar journalistic device of publishing rumours that he was about to resign in the hope of stimulating a campaign in favour of his resignation, and remarking that "we have gained a temporary respite from the creation of a vast monopoly of wireless telegraphy, which might prove as incalculably disastrous to public interests as the preliminaries have proved profitable to private and particular interests."

On October 2 the *Morning Post* entered the lists with a leading article in which, while refusing to attach importance to the relationship between Sir Rufus and Mr. Godfrey Isaacs, the writer expressed the strong conviction that it was impossible to ignore the "taint" in the air, and that an explanation should be forthcoming. The accusations in the *Eye Witness* could not be true, but it was odd that no steps had been taken to refute them.

In this atmosphere of gossip, rumour, suspicion, suggestion and innuendo the House of Commons reassembled on October 7, 1912.

Although few people credited the allegations of definite cor-

ruption, it was obviously essential, not only in the public interests but in the personal interests of those referred to in the current rumours, that an authoritative body should at once be set up to inquire into the true facts ; and on October 11 Mr. Herbert Samuel moved "that a Select Committee be appointed to investigate the circumstances connected with the negotiation and completion of the agreement between Marconi's Wireless Telegraph Company, Limited, Commendatore Guglielmo Marconi, and the Postmaster-General, with regard to the establishment of a chain of Imperial wireless stations, and to report thereupon, and whether the agreement is desirable and should be approved ; that the Committee have power to send for persons, papers, and records/'

In the debate which ensued, Sir Henry Norman, then Liberal Member for Blackburn, who had throughout been an active critic of the contract on grounds of public policy, at once dissociated himself from any charge of corruption against Ministers, which he characterized as not only without a shadow of foundation but preposterous. Major Archer-Shee, who had also taken a leading part on the Conservative side in assailing the proposed agreement, equally disclaimed any belief in the rumours circulating in the City, but "these rumours and gossip do exist, and have existed to an extent which, I believe, is unparalleled in our history . . . no one here will believe that there is any vestige of truth in them, but the Committee will have an opportunity of investigating the matter in the interests of ministers." He then went on to censure the action of the Attorney-General in sending the telegram on March 16 to be read at "a dinner given for the purpose of booming the Marconi Company," which he characterized as "a great mistake and a most injudicious proceeding."

Mr. George Lansbury thought that the Government would have wanted an investigation months ago when rumours first started. Immediately Mr. Lloyd George leaped to his feet and hotly demanded to know what these rumours were. "The reason why the Government wanted a frank discussion before going to Committee," he explained, "was because we wanted to bring here these rumours, these sinister rumours, that had been passed from one foul lip to another behind the backs of the House." But Mr. Lansbury was unabashed and insisted that stronger steps should be taken to prevent such incidents, and that "nobody ought to be in a position to make an agreement on behalf of the Government . . . in which, directly or indirectly, he may be interested." This suggestion seemed to be so directly pointed at

Sir Rufus that he rose immediately after Mr. Lansbury had resumed his seat, and for the first time found himself in a position to deal in public with the vile accusations which had been circling about his name. He spoke with restraint and without rhetoric, but with an occasional note of strong indignation in his voice which gave evidence of the fires of resentment which were smouldering within.

It would be the purest affectation for me to protest that I am not in some way intended to be implicated by what the Honourable Member said. The sole reason for the suggestion, or insinuation, that he has made is that my brother happens to be the managing director of the Marconi Company. But I am not so concerned with what the Honourable Member said or suggested as with the insinuations that have been made outside the House, and I want the House to understand what the charges are, so far as I have been able to gather, reading through the various newspapers that have been brought to my notice and weekly journals, and I make them out to be two or perhaps three. The one is that some person has used his influence to obtain a contract for the Marconi Company with the Government, or has in some way acted to the advantage of the Marconi Company in the negotiations which took place with reference to this contract. I want to say in reference to myself that I have never from beginning to end, in any shape or form, either by deed, act, or word, or anything else, taken part in the negotiations in reference to this contract with my Right Honourable friend, the Postmaster-General, and I never knew there was such a contract in contemplation until a few days before, when I was told at a private social function by the managing director of the company, who is my brother, that he did hope to get a contract with the Government and was in negotiation with them for it. That was a few days before I saw the announcement in the papers that there had in fact been a contract accepted. That is the only thing I heard in connection with this matter, and the first intimation to me that the contract had been got—that this tender had been accepted, that the company had made it—was in a circular or some announcement in the Press which appeared on either the seventh or eighth of March, immediately after the correspondence which is before the House and to which reference was made to-day. That is the beginning and the end of my connection with the negotiation or completion of this contract. I have never been consulted about it, and, as I have said, I never discussed it, and I have no more to do with that contract than any Honourable Member who is sitting upon the opposite side of the House or my Honourable friend, the Member for Bow and Bromley (Mr. Lansbury).

Let me go to the next charge, which is, I think, a worse charge. It is that some member of the Government not named but hinted at —some member or members of the Cabinet—knowing that these negotiations were taking place, knowing that there was a contract in contem-

plation, and thinking the shares would go up when the announcement of the contract came to be made—-the price of the shares being then fourteen shillings or fifteen shillings and eventually rising to nine pounds after the announcement of the contract was made—thereupon, and in consequence of the information which some members of the Government had got, bought shares of this company at a low price in order to sell them at the higher price when the contract was announced. I desire to say frankly on behalf of myself that that is absolutely untrue. Never from the beginning, when the shares were fourteen shillings or nine pounds have I had one single transaction with the shares of that company. I am not only speaking for myself, but I am also speaking on behalf, I know, of both my Right Honourable friend, the Postmaster-General, and the Chancellor of the Exchequer, who, in some way or other, in some of the articles have been brought into this matter.

He then turned to a subsidiary charge made by implication in the October number of the *National Review* to the effect that, when the Lodge-Muirhead Syndicate had applied for a renewal of patents before Mr. Justice Parket in 1911, "our Government stood by Mr. Marconi valiantly. The Attorney-General gave notice of opposition and put in a number of objections." Upon this matter he said :

One other point has been raised during the course of these newspaper articles. The suggestion is made in one article that I acted in my position as Attorney-General not in the public interests, but in the interests of the Marconi Company. I confess I was amazed when I came to look into the facts to see upon what material that was based. Let me tell the House what it was based upon. In the ordinary course of procedure when an application is made for the extension of a patent—patents coming to an end in the ordinary course in forty years—that application has to come before the court. By statute the Controller of Patents inquires into the matter and a report is made from his office as to whether or not the patent should be extended, or what there is to be said against the extension of the patent . . . that is the stricter form of putting it. The matter then comes before the Junior Counsel in Chancery, who, upon the instructions of the Controller and the report of the examiner, drafts particulars of objection made to the petition for the extension. Thereupon that matter, when all is ready for hearing, comes before me simply and solely for the purpose of determining whether it is a case in which a Law Officer should appear, and whether it is a case in which I, as Attorney-General, shall appear or my colleague the Solicitor-General should take it. The only thing I ever had to do with the Lodge-Muirhead extension application, and the only thing I saw in connection with it, was that the papers came before me for my direction as to whether I or the Solicitor-General should appear, and the only direction I ever gave was that the Solicitor-General should appear. That is the whole transaction as far as I am concerned, and it all follows

the ordinary course of procedure. . . . Let me add this in connection with this application. I know from reference to the report which I had —and I could refer anyone to it who likes to read it, because it is in print —that the Solicitor-General in this particular case began his argument to the Court by stating that, although he appeared, he did not appear to oppose but to put the relevant facts before the consideration of the Court. That is all that has taken place with reference to the Lodge-Muirhead extension, and it is upon these facts and these facts only that the suggestion has been made, outside this House, it is true—in a review—that I was acting not in the public interests, but in the interests of the Marconi Company in respect of the matter with which I had absolutely nothing to do. The only thing I did was to say that I would take no part in it, and my friend the Solicitor-General appeared.

There was one matter to which an Honourable Member referred when I was not in the House to-day. From the beginning of this debate until now I have been waiting for some opportunity of rising to make this statement, which I intended to make whether the charges were made or not. The reference the Honourable Member made was, I think, a very trumpery affair, for it was a criticism of my having sent a congratulatory telegram to the *New York Times.* When I saw the reference to it, I confess I did not know what it meant.

Major Archer-Shee :

It was stated in the *Financial Times* that this telegram was read at the Marconi Banquet.

Sir Rufus Isaacs :

If the Honourable Member will wait, he will see what I am stating is correct. What happened was this. They had made arrangements to have a Marconi apparatus fitted up on the table where the banquet was to take place, and as a matter of interest to the guests they wanted to see how long it would take to get the messages through to the dinner table. I confess I demurred at first, because I did not quite understand the object, but it was explained that it was nothing else but a congratulation. Mr. Marconi and my brother, the managing director, were at the banquet, and so I sent a congratulatory telegram on the success of the Marconi enterprise, in which, apparently, I was joined by Earl Grey and Lord Avebury . . .

Earl Winterton :

They are not in the Cabinet.

Sir Rufus Isaacs :

And there was also the Honourable Member for Mile End, who sent a congratulatory telegram of the same kind. It was a congratulation upon the Marconi enterprise and for the discovery of wireless telegraphy, which was going ahead by leaps and bounds, and I ended by saying that

I hoped that by the time they came back the coal strike would be finished. I have been anxious that the House should understand what I had to do in connection with this matter, and I am only too glad that the opportunity has come in this debate for me to state to the House what connection I had with the negotiations in this matter, the acceptance of the tender, or with any dealings in the shares which took place up to the time of the acceptance of the contract. I am reminded the telegram to which reference has been made was sent after March 7. The announcement had been made already in the public Press and the shares had already been going up, so that it had nothing to do with that. It had all passed.

I have no intention of arguing the case ; that is for my Right Honourable friend, the Postmaster-General. All I have been anxious to do is to make my statement to the House in order that the House might understand exactly how matters stand. I do really think it would be a very great descent from the standard we have set up in public life if by reason of the fact that there is some opposition or by reason of the fact that my brother happens to be the managing director of the company, which he was before I ever came into office at all, and has been in negotiation with one of my colleagues in the Cabinet, assisted, as my Right Honourable friend was, by various committees, the suggestion should be made—1 am waiting at the present moment to know upon what it is based—that I had taken advantage, or that my colleagues had taken advantage, of the information which we had that these negotiations were pending and of our expectations that the contract would be completed to indulge in great speculations in shares in order that we might take advantage of the public announcement and reap a profit. As I have said, there is not one single vestige of foundation for any of these statements.

From this speech there is plainly one salient omission ; no reference is made to the transactions in American Marconi shares, which may conceivably have extended both the range and the circulation of the original rumours ; for, although these had been bandied about for some months before the American Marconi issue ever took place, they definitely swelled in volume after that date.

Clearly much subsequent defamation and denunciation would have been avoided if the whole story had been divulged then and there. The House was profoundly impressed with the Attorney-General's speech, and it is not beyond possibility that, had a full disclosure been made at once, the subsequent interminable researches of the Select Committee into this aspect of their inquiry would never have been called for.

Indeed, the silence is so marked that the theory has been frequently advanced in explanation of it that Sir Rufus, in thus

limiting his denial to dealings in the shares of the English company, was acting upon instructions from the Prime Minister, who was not anxious to have the connection of his Chancellor of the Exchequer with the transaction disclosed, fearing that his personal unpopularity would lead to such an exacerbation of the attacks that the prestige of the whole Government might be irretrievably impaired. But this school of thought not only ignores the categorical denials of both Mr. Asquith and Sir Rufus that any such pressure was exercised ; it postulates an inconceivable intention to withhold all knowledge of the dealings in American Marconi's from the Select Committee itself.

It is only fair to Sir Rufus to record his own explanation of his reticence at this stage. It was already plain that a Select Committee would be appointed, and the accused Ministers were entitled to assume that they would be called before it to give evidence at the earliest possible moment. No one could then have imagined that six agonizing months would elapse before they were given an opportunity to deal with the charges against them. It was Sir Rufus's determination to reveal the full facts to that tribunal when the time came, but in the debate in the House he was confining himself to meet and to rebutting the only charges which at that stage could be pieced together from the rumours, and those charges had no possible connection with the American Marconi transaction, since they were directed exclusively to the circumstances in which the tender had been accepted by the Post Office on March 7, six weeks before any Minister had contemplated purchasing or agreeing to purchase a single American Marconi share. It was at those charges alone that his denial was aimed, for indeed there were no others.

Moreover, to have attempted to offer to the whole House an explanation, necessarily detailed if it was to be intelligible even to experts, of the nature and extent of the transactions would not only have required unlimited time, but would have demanded of the generality of members a knowledge of Stock Exchange affairs only possessed by a very few, and might well have resulted in confusion being worse confounded by genuine misunderstanding or calculated distortion. That the omission was deliberate, no one can doubt ; that it was designed to be permanent, few can suspect ; that it was an error of judgment, subsequent events provided with overwhelming force.

But it is a singular irony that a man who for many years had been as highly paid for his advice in difficult circumstances as anyone living, and had been able to command such fees by reason of the proved sureness of his judgment in other people's affairs,

should by faulty navigation have come within an ace of wrecking his own career. Probably the true explanation is twofold. He was violently overworked during the whole period covered by this episode and, having no time to make his own investigations, was forced to rely upon the opinions of others. And, although the opinions expressed to him were beyond any doubt offered in all innocence and sincerity, he might well have reached a different conclusion, had he been able to pursue independent inquiries. Moreover, in spite of his disillusioning contact with many .-aspects of life in his professional capacity, he preserved an almost child-like faith in the essential decency of human nature, and it would never have entered his mind that, even if he had made a mistake, political opponents would seize upon it and magnify it into charges of personal corruption in the hope of gaining a party advantage by such underhand means.

Furthermore, his long training in the courts had taught him the value of the policy of not setting out to destroy a more extensive case than the other side had been able to build up, but to confine the defence within the limits set by the attack, a rule of advocacy the neglect of which has led to the loss of many a winning case. At the time of the House of Commons debate in October, 1912, the whole gravamen of the charge against him and his colleagues related to issues upon which the subsequent purchase of the American shares could have had no possible influence, and he therefore avoided unnecessarily enlarging the area of discussion at that stage, being content to reserve the full disclosure for his evidence before the committee, when it could be treated in detail and at leisure.

In spite of the favourable reception of the speech, not everyone was satisfied with the disclaimer, Lord Robert Cecil (now Viscount Cecil of Chelwood) in particular urging the view that a mere denial by the Government before the House of Commons would not meet the case at all, and that there must be a full inquiry, at which Ministers would submit to examination and cross-examination. He himself attributed the origin of the rumours to the congratulatory telegram of March 16 "from a Member of the Government to his brother, who had just been awarded by that Government a beneficial contract without competition, " a description which certainly did not err on the side of generosity.

The last speech in the debate came from Mr. Herbert Samuel, who was in the impregnable position of never having had the remotest financial interest in any company bearing the name of Marconi, and was able to give an exhaustive denial to all sug-

gestions that he had made a profit out of the contract or that he had ever had any discussion with the Attorney-General about it.

Thereupon the motion to appoint a Select Committee was duly carried, and on October 25 the names of the members nominated to the Committee were announced. Of these, seven were Liberals, six Conservatives, and two Irish Nationalists, the Liberals being Mr. Booth, Mr. Falconer, Mr. Gordon Harvey, Mr. James Parker, the Honourable Neil Primrose, Sir Herbert Roberts, and Sir Albert Spicer ; the Conservatives, Mr. Amery, Lord Robert Cecil, Mr. George Faber, Mr. MacMaster, Mr. Harold Smith, and Mr. Henry Terrell ; and the Nationalists, Mr. Mooney and Mr. William Redmond. At later stages, Sir Walter Essex. Sir Frederick (afterward Lord) Banbury, and Mr. J. G. Butcher, K.C. (afterward Lord Danesfort), took the places of Mr. Neil Primrose, Mr. Harold Smith, and Mr. Terrell respectively. At the first meeting, held at the House of Commons two days later, Sir Albert Spicer, head of the well-known paper-making company, was elected chairman.

The composition of the committee did not meet with a cordial reception by the press. The *Eye Witness* stigmatized them as "dupes" and "hangers-on/' while the *National Review* found that "comment is provoked by the feebleness of the radical personnel of this Committee, as also by the choice of chairman for an inquiry demanding a strong and competent man."

Mrs. Dugdale, in her biography of the late Lord Balfour, quotes Mr. Joseph Chamberlain as writing to him at the time of the South African War that a Parliamentary committee is "the worst tribunal in the world where party interests are at stake." Assuredly the proceedings in the Marconi committee would have strongly confirmed his view. It continued to sit at frequent intervals from October 25, 1912, to June 11, 1915, and in the course of its sittings numerous divisions took place, in scarcely one of which were the inflexible party lines broken by a defection. Unfortunately, no such tribunal as was more recently constituted under the Tribunals of Enquiry (Evidence) Act, 1921, to investigate the conduct of another Minister, had at that time been authorized by Statute. Had a body of that kind been available, it can scarcely be doubted that a judge of the High Court and two members of the Bar of professional standing and no political affiliation would have made short work of the task of probing the allegations against the personal honour of Ministers, and would have produced a report which, whatever its findings, would have commanded the confidence of the public, long before the Select Committee had ploughed its way through the mass of

oral and documentary evidence required to guide it to a decision as to the desirability or otherwise of the ill-starred contract itself.

As time went on and progress remained imperceptible, the difficulties in the path of an inexperienced lay chairman presiding over a body in which legal questions were constantly arising, and upon the decision of which strong and often violent party feeling was brought to bear, became daily more apparent. Heated interchanges and undignified bickerings constantly interrupted and degraded the proceedings without materially advancing the search for truth or substantially accelerating the moment at which Ministers could be called to give evidence. Over the whole period of their sittings more than 29,000 questions were asked by members of the committee in examination or cross-examination and, as was only to be expected from the beginning, they were even so unable to agree upon a unanimous report. Perhaps the committee's chief service to the Ministers concerned was to expose to the public the desire of the Opposition to make political capital out of the episode at all costs, but even such an exposure was a poor compensation to them for endless months of vilification without opportunity for reply.

It had been generally expected that the committee would almost immediately summon the Ministers to make their statements, but the inquiry opened with a long procession of Civil Servants and representatives of the Services and of the Dominions, whose evidence was considered material in tracing the course of events leading up to the signing of the contract. Of course, nothing came to light which could give even the remotest support to the allegation that any Minister had been guilty of the slightest impropriety, but the attacks in the hostile press continued with unabated fury and the rumours circulated with increasing venom.

By January 14, 1913, the committee had made sufficient progress to issue an interim report to the effect that it was a matter of urgency that a chain of Imperial wireless stations should be established, as proposed in the agreement submitted to them, a conclusion at which the responsible Government departments had arrived many months ago. The committee recommended that the Government should itself take steps to secure suitable sites in the places where stations were to be erected, and that a highly-qualified technical committee should be set up to decide between the merits of the various rival systems. These recommendations were accepted and acted upon by the Government, and a Technical Committee was constituted under the chairmanship of Mr. Justice Parker (afterward Lord Parker of

Waddington, a Lord of Appeal in Ordinary), with instructions to report within the space of three months.

The adoption of this interim report left the committee free at last to turn their attention to the more personal aspect of the matters under consideration, but even then they found themselves in the difficulty that no definite charges had ever been formulated to which Ministers could be called upon to reply. They therefore decided that the next step was to summon before them the various journalists who had been responsible for the abusive articles in the press and to endeavour to elicit from them not only the nature of the information which they had had in their possession when writing the articles, but, if possible, the sources of such information, in order that the origin of the rumours might be ascertained.

The first of this class of witnesses to appear was Mr. W. R. Lawson, the author of the series of articles in the *Outlook* which had been the herald of the more general press campaign. His evidence occupied a number of days and was notable for a long and extremely able cross-examination by Mr. Falconer, who, as a Writer to the Signet of Scotland, was called upon to fill on behalf of his Liberal colleagues the same role which Lord Robert Cecil's legal training had marked him out to perform on behalf of the Conservatives.

Neither Mr. Lawson's temper nor his memory improved as the days went on, and he sought frequent refuge in complaints, truculent or petulant, against the nature and number of Mr. Falconer's questions. But his ordeal did not finish with the end of Mr. Falconer's cross-examination. In Lord Robert Cecil's hands he cut an even less impressive figure, forced to recede from one position after another, to withdraw one allegation after another, to deny that phrases in his articles obviously designed to cast imputations upon Ministers were intended to bear any such meaning, even to advance as an excuse for having stated that "mysterious relations" existed between certain members of the Government and the Marconi Company, that his articles had been written under very strong provocation with regard to the agreement, a plea which drew from Lord Robert Cecil the sharp warning:

"In your own interests, I ask you to be very careful what you are saying now."

Perhaps this interrogation might well have ended at the point at which he lamely protested:

"I have said all along that I cannot go beyond these rumours. I have frankly admitted that I afterwards found no definite

grounds for them," though it is a pity that he did not prosecute his search before, rather than after, he had invested the rumours with the dignity of print. It would have saved him from having to admit in reply to a later question from Mr. Gordon Harvey that he had not made the slightest efforts before publishing the rumours to find out whether any foundation for them existed.

He was succeeded by the Honourable Walter Guinness, M.P., who had been requested by the committee to attend in his capacity as proprietor of the *Outlook*, but he had been absent abroad during most of the period covered by Mr. Lawson's articles, and whilst criticizing the contract, disassociated himself from any suggestion of impropriety against either Ministers or officials.

The next witness, Mr. E. Oliver, editor of the *Outlook*, was in a more aggressive mood, developing the somewhat startling journalistic thesis that to suggest that, if one makes a statement in a paper, one must be in a position to prove the fact makes political comment impossible. He was not content to identify himself with Mr. Lawson's withdrawals, but stoutly asserted that, as he read the articles, there was nothing in them which he regretted having published.

There followed Mr. Leo Maxse, editor and proprietor of the *National Review*, and a redoubtable and irrepressible figure in contemporary politics. He launched at once into a tempestuous assault upon all the persons whose names had been mentioned in the rumours : Mr. Herbert Samuel who "preferred to burke all discussion and intended to hustle the Marconi contract undiscussed through the House of Commons in the early days of August" ; Mr. Godfrey Isaacs, "who appears to have dealt with the British Government as though he were one of the great Powers" ; Sir Rufus Isaacs "who had been a shareholder in some of his brother's unfortunate concerns, and what more natural in the eyes of the public than that he should take a fraternal interest in the Marconi Company ?" ; Mr. Lloyd George, who, in the debate on October 11, 1912, "in his excitement unfortunately omitted to deny that he had had any dealings in Marconi shares." He concluded his prepared statement with the thrust, wholly unfair in view of the committee's own decision as to procedure, that Ministers might have been expected to attend the first sitting, clamouring to state in the most emphatic and categorical manner that neither directly nor indirectly, in their own names or in other people's names, had they had any transaction whatsoever anywhere in any shares in any Marconi Company throughout the negotiations with the Government. He had not been

satisfied with Mr. Lawson's performance before the committee, dismissing him somewhat harshly as "by temperament unfitted to be a witness," but he had no such unfavourable opinion of his own qualifications and gave the impression of thoroughly enjoying himself. His evidence was, however, destined to come to an abrupt end, for, having told the committee the rumours that he had heard and having stated that he had made his own inquiries and received information which satisfied him that there was at least strong ground for suspicion, he refused point-blank to give the sources from which that information had been obtained, "because the position of an editor depends on his inspiring confidence in the people with whom he has confidential communication. And it would be quite impossible for me to carry on my business if anyone had reason to suppose that communications made to me would be repeated before either a committee of the House of Commons or any other body."

Thereupon the committee, after private deliberation, resolved to report him to the House for "refusing to give information in his possession and to produce letters asked for by the committee which in the opinion of the committee should be laid before them."

Meanwhile February 12 had come and with it the end of the session. The committee had already sat for forty-one days and examined thirty witnesses, but no Minister had yet been heard except the Postmaster-General and he only on the isolated question of the appointment of a Technical Committee, as recommended in the interim report of January 14. Being unable to complete the inquiry, they agreed to report the minutes of the evidence and to recommend that a committee on the subject be appointed in the next session. In other words, they complied with the formalities necessary to ensure their own resurrection.

The committee was not to sit again until March 25, and it looked as if the Ministers would have to wait with such patience as still remained to them during the intervening six weeks, while the rumours gathered ever-increasing strength and numberless busy-bodies ferreted about for fresh sources of slander.

For Sir Rufus in particular the strain was becoming almost intolerable. In addition to the routine work of his department and the conduct of several heavy cases in court he had to carry an immense burden of anxiety and responsibility. His decision to postpone a declaration as to his holding in the American company had miscarried owing to the unforeseen delays. He had informed Mr. Falconer and Mr. Handel Booth privately of these transactions, in order that they might be forearmed when the

journalists came to give evidence, but nothing had yet been publicly divulged. Meanwhile the atmosphere was becoming daily more heavily charged with electricity and the longer a full statement had to be postponed, the louder would be the explosion throughout the country when the moment finally arrived.

Yet there seemed no possibility of creating an early opportunity, when suddenly the chance presented itself for which he had waited so long. The London correspondent of the Paris newspaper *Le Matin* in an unguarded moment communicated to his paper a paragraph under the heading, *Un Scandale Financier en Angleterre*, in which, while purporting to give a summary of Mr. Maxse's evidence, he committed himself to stating as facts stories which even Mr.Maxse had only mentioned as instances of the kind of rumours that were in circulation. In particular he asserted that Mr. Samuel, Sir Rufus, and Mr. Godfrey Isaacs had all three bought shares in the English Marconi Company at an average price of about 50 francs, at which these shares were quoted before the opening of negotiations with the Government, and had resold them at a profit rising to as much as 200 francs a share according as the negotiations enabled them to foresee that the contract would be concluded.

This paragraph appeared on February 14, when by chance Sir Rufus, taking advantage of a short respite from his Parliamentary duties to escape from the polluted atmosphere of London, was spending a few days in Paris. He at once sought an interview with the editor who, while expressing his regret and agreeing to insert an apology, was not prepared to frame that apology in the terms demanded. On February 18 a further paragraph appeared in the paper, in which the London correspondent expressed his regret that by communicating current rumours he should in perfect good faith have possibly done an injury to three men of quite unimpeachable honour. But this opportunity for a full statement could not be allowed to pass and on the 19th, with the assent of the Prime Minister, Sir George Lewis issued writs for libel on behalf of both Mr. Samuel and Sir Rufus. At an early stage of the proceedings the facts in regard to the purchase of shares in the American company were disclosed to the defendants' advisers, so that, if it was thought in the light of this fresh information that the libel could be justified, that plea should be open to them. But they came to the inevitable conclusion that the new material placed by the plaintiffs at their disposal fell far short of supporting such a plea and did not contest the action, contenting themselves with repeating in the defence the apology already published. On March 19 the hearing took place before

Mr. Justice Darling. King's Bench Court 4, in which he habitually sat, was besieged by the public, and the whole of the available space was rapidly occupied.

In the absence of the jury, whose services were not required since the action was undefended, the reporters were allowed to overflow into the jury box. The tense atmosphere reflected the enormous interest which had been aroused by the Marconi controversy, and the prospect that the proceedings would be purely formal and very brief did not deter an army of spectators from attendance.

The plaintiffs were represented by Sir Edward Carson, K.C., Mr. F. E. Smith, K.C., Mr. Schwabe, and Mr. Raymond Asquith, eldest son of the Prime Minister. The defendants had as their counsel Mr. J. M. Campbell, K.C., and Mr. F. P. M. Schiller.

It is some indication of the extent to which the very air seemed impregnated with suspicion and bitterness that many people did not hesitate to say that Sir Edward Carson and Mr. F. E. Smith had been "trapped" into accepting briefs for the plaintiffs at the trial, the suggestion being that they were retained as counsel in the court in order to silence them as politicians in the House, since after appearing in their professional capacity on behalf of Ministers they could scarcely attack them in subsequent Parliamentary debates. To take the view that a trap was set in this instance is to hold both that the decision by a member of the Bar to accept or refuse a brief should be determined by political considerations and also that the claims of party faction should prevail over those of personal friendship.

Sir Edward Carson had been for many years Sir Rufus's intimate friend and most frequent adversary at the Bar. They had learned in almost daily battle to value and to respect each other's character, and it was scarcely remarkable that in a case which needed most careful handling Sir Rufus should seek the services of the one advocate whose position rivalled his own and who could confront the court with the full range of his great forensic qualities and the high prestige of his status as an ex-Law Officer of the Crown. Among the younger men of eminence at the Bar there was no one for whose talents Sir Rufus had greater admiration and for whose friendship deeper appreciation than Mr. F. E. Smith. Moreover, both men had a genuine taste and aptitude for the enjoyment of social life, and their meetings outside the precincts of the court or the House were numerous and cordial. He was the obvious choice both on professional and personal grounds to second Sir Edward Carson's efforts.

Neither Sir Edward nor Mr. F. E. Smith had up to that

moment shown themselves disposed to take part in the acrimonious personalities of the Marconi controversy, and it can scarcely be doubted that not only considerations of friendship but sense of justice would in any case have led them to stand aloof till the end. But to suggest that one of these three great advocates consciously set a trap for the other two is both to degrade the high traditions of the Inns of Court and to ignore the characters and the relations of the men concerned. Had the situation been reversed, it is impossible to conceive that Sir Rufus would have refused to come to the help of Sir Edward Carson or Mr. F. E. Smith, or that in appearing on their behalf he would have regarded himself as the victim of a transparent but inescapable plot. But it was part of the atmosphere of those days that any action, however innocent and obvious, should at once be represented as a subtle and sinister intrigue.

In face of these attacks, as ill-informed as they were ill-conditioned, Sir Edward Carson remained outwardly unmoved, but Mr. F. E. Smith with characteristic *bravura* addressed a long letter to *The Times,* warmly defending his own action and trouncing, though not silencing, his critics.

Although the case was undefended, Sir Edward Carson's task was not an easy one and the tightly packed audience were to be rewarded for their endurance by an hour and a half of high drama. The libellous paragraph which was the basis of the action had only referred to transactions in the English Marconi Company, but it was vital not to miss this opportunity of stating for the first time in public the full facts of the dealings in the American shares, including Mr. Lloyd George's and Lord Murray of Elibank's (as the former Master of Elibank had by that time become) participation in Sir Rufus's original holding, though neither of these two was a party to the action. It was also important, if possible, to make the story complete by disclosing the subsequent purchases made both by Mr. Lloyd George and Lord Murray of Elibank on their own initiative and without Sir Rufus's advice or knowledge. Only in this form could the entire narrative be told, and it was highly desirable that the chance to tell it should not be lost. An incomplete recital of the facts at this stage would merely entail further "startling revelations" before the committee and thereby give a new lease of life to the scandalous rumours and a new cause of jubilation to the hostile press.

But Mr. Justice Darling was not likely to allow litigants, however distinguished, to use his court as a platform from which to make statements that, although of great public importance, were irrelevant to the issues before him, and he would need the

most tactful handling if even a part of the extraneous matter was to be introduced. After long and careful consultation it was finally, though regretfully, decided that the difficulties in the way of expounding the entire story were insurmountable, and that, although by appealing for the judge's indulgence it might be possible to explain the purchase of American shares by Sir Rufus and his subsequent sale of a portion of his holding to the other Ministers, the disclosure of their later independent transactions must stand over until they came to give evidence before the committee.

In pursuance of these tactics Sir Edward, in opening the plaintiff's case, went in some detail into the origin and course of the negotiations for a contract between the English Marconi Company and the Government. In regard to the alleged purchase of shares he said :

> Neither of these gentlemen (Sir Rufus and Mr. Herbert Samuel) ever bought a share in this company, either in their own name or any other name, nor did anyone else ever buy a share for them ; nor had they any option, nor were they concerned in any syndicate, nor had they any other transactions whatever with regard to shares in this company. But there were other Marconi companies . . . and, although what I have said on this point entirely completes the matter as regards the truth or falsity of the libel, I must in regard to one transaction in one of the companies by the Attorney-General, which it is necessary to explain, ask your indulgence although it is a little outside the libel.

There was no indication of dissent from the Bench, and Sir Edward accordingly went on to summarize the purchase of American shares by Sir Rufus and his subsequent transaction with his ministerial colleagues. Mr. Samuel and Sir Rufus then proceeded to give evidence in support of the opening statement, after which Mr. Campbell conveyed the unqualified apologies of the paper for having made charges and insinuations which were absolutely devoid of foundation. It only remained for Mr. Justice Darling to enter judgment for the plaintiff with an indemnity as to costs, since in view of the fact that the defendants were a foreign newspaper and had inserted the paragraph without any malicious intent neither of the Ministers asked for damages. The judge concluded his brief remarks with the words :

"I express no opinion and make no comment, not because I do not hold any opinion on the matter, but because I do not, for one moment, wish to interfere with the investigation that is going on."

The next morning *The Times* commented in a leading article

that it was a matter for sincere satisfaction that the Ministers had been able to give in the witness box the most unqualified denial of the charge inadvertently made against them by *Le Matin*, and that Mr. Lloyd George's connection with the affair had been fully explained, adding that it might have saved a lot of trouble if Sir Rufus had made in the previous October in the House of Commons the statement he volunteered in court about his purchase of shares in the American company.

"We are of opinion/' it said, "that more delicacy might have been shown by the Ministers involved in the selection of their investments. But mere lack of judgment is a very different thing from the monstrous offences that have been imputed to them."

This detached attitude did not, however, find an echo in the rest of the Conservative press, which seized upon the transaction in American shares as a sufficient explanation of all the rumours and demanded that the Ministers concerned should be called upon at the earliest moment to give a detailed account of their actions before the committee, an opportunity which they themselves had been only too eager to receive for many months past.

Immediately after the reassembling of the House the committee was again appointed to resume its investigations, and at last, on March 25, Sir Rufus was able to appear before it. The committee room was crowded to suffocation with Members of Parliament, journalists and public when the Attorney-General came in to take his place at the small table which confronted the horseshoe table at which the members of the committee sat. It was a situation pregnant with the elements of drama. Here was the greatest cross-examiner of the day about to be cross-examined, the man who had built up from small beginnings a career that had already carried him to the leadership of his chosen profession preparing to fight for his whole future in public life, the Liberal Minister waiting to match himself with the Conservative champions on the committee, the Jew eager to prove that he had done nothing unworthy of his high standing in the estimation of the country at large or of his unique position among his own community. For Sir Rufus himself it was a moment at once of great anxiety and of immense relief. A man of scrupulous honour, he had been forced to live through six months of unbridled calumny without an opportunity to clear his name. He had nothing to conceal and little new to reveal, but the time had now come when he could confront his accusers and tell his own story in full.

The examination began in a quiet key. In the two and a half days throughout which he gave evidence he never referred to a note. He commenced by telling in minute detail the story

of the events leading up to the purchase of the American shares, laying emphasis on the fact that he had been fully satisfied that the American company was a wholly distinct entity from the English, that any transaction in which his brother Harry had acted for him had been carried out openly in his own name, and that in buying the shares at £2 on April 17 he had received no preferential treatment.

The first cross-examination was entrusted to Mr. Faber, who as a banker had wide experience in the City. He began with an inquiry into the previous financial relations of Sir Rufus and his brother Godfrey, went on to a series of questions based upon the congratulatory telegram, including an invitation to deny the rumour, hitherto unknown to Sir Rufus, that the sentence in the text referring to the coal strike had some hidden and sinister significance, and then passed to the circumstances of the issue and purchase of the American shares and to the contemporary state of the market both in England and in America. Sir Rufus answered fully, rejecting any attempt by the Liberal members to raise objections to the form or substance of the questions put, and stating unreservedly that he himself would make no such objection.

He could scarcely have been prepared for the indignity contained in Mr. Faber's final question, whether "in all the circumstances of this case, you are willing to produce before this committee, or before some body to be appointed by this committee, all your pass books which will substantiate the statements you have made," but, summarily brushing aside an objection by Mr. Handel Booth, he at once offered to produce every bank book, every book of any sort or kind or description that was required.

After a few questions by Mr. Falconer, Lord Robert Cecil embarked upon what was designed to be the main cross-examination. Going over in great detail the full circumstances of the transaction, he particularly pressed the witness as to his reasons for not having disclosed them to the House in the course of the debate in the previous October, suggesting that it would have been wiser and better if he had there and then told the whole story, to which Sir Rufus replied that he had been directing his speech solely to what he then understood the charges to be, corrupt dealings in connection with the contract with the English company and in its shares. But he added :

"If I had known then that it would be six months before I should be called and have my opportunity of making this statement, I should agree vvith you, but not if you had told me then that I should be called within a very short period, as I naturally expected."

Questions as to the state of the Prime Minister's knowledge of the American dealings led to a reference to his letter, which in turn led to a request by Lord Robert for its production. Sir Rufus demurred at producing it without Mr. Asquith's consent, and it was arranged that an attempt should be made during the luncheon adjournment to obtain his permission. On the resumption the letter was produced in an atmosphere of great excitement, but proved highly disappointing to the sensation-mongers, though its final words : "But for Winston, there would be nothing in the papers," produced the first outbreak of laughter that the inquiry had provided, and with it a temporary relaxation of strain for which all present were cordially thankful. Matters proceeded smoothly till towards the end of the day, when Mr. Amery had taken up the cross-examination and ventured to suggest that the purchase of the American shares was sufficient to explain all the rumours. But Sir Rufus would not accept this theory.

"I am only taking those which are responsible papers," he said hotly. "Take those and read those articles. Is there any man who reads those articles to-day who would not think that what was meant was that we had all been guilty of corruption, the basest charge which could be made ?"

Mr. MacMaster : "Or impropriety !"

Sir Rufus : "No, do not let us get off into that."

Lord Robert Cecil: "I do not wish to intervene——"

Sir Rufus : "Let me finish what I was going to say. I will not be stopped. I am being charged with something ; and all I am saying with regard to it is this—and if I appear heated I am sorry, but it is not very easy—all I mean to say is that we cannot have—at least I ask you, sir, and I ask the Committee to say that we cannot have—a confusion between a charge of corruption and a charge of impropriety. One concerns the honour and the other the judgment of a man."

Lord Robert Cecil : "Everybody admits that. That is quite plain and there is no dispute about it."

Sir Rufus : "That is all I meant."

Lord Robert Cecil : "We are not trying the journalists. That is not the point."

Sir Rufus : "But you are trying me ?"

During the few moments occupied by this dialogue, the Attorney-GeneraPs whole demeanour had entirely changed. For two days he had sat there, still, pale and grim, rarely raising his voice, answering every question precisely, calmly and fully. But at the first tangible imputation upon his honour, the first suggestion that he was there not to explain his transactions

but to be tried on charges that had never been formulated his eyes blazed with anger, his voice rose, and his fist beat upon the table in indignant challenge. There was a moment of silent astonishment at the rapidity of the change in him, and then the onlookers broke into round after round of open and admiring applause.

For the first time in all those long and weary months of waiting, his public calm had broken down and all his pent-up resentment had boiled into angry expression ; when the committee shortly afterwards adjourned for the day the precincts of the committee room were still seething with excitement.

On the following morning the room was again crowded in the hope of further passages-of-arms. But the rest of his evidence was taken without incident, and at the conclusion he handed in not only his own pass books but those relating to a joint account in the name of his wife and himself, and a household account upon which his wife alone drew.

He was followed by Mr. Lloyd George, who opened with the story of the circumstances in which he had made his first purchase of American Marconi shares, pointing out that the investment had to be judged according to what the Ministers concerned knew at the time and not in reference to the subsequent attacks and criticisms which had created quite a different atmosphere. He then proceeded to lay down the rules which, in his view, should guide a Minister in the choice of his investments, and to declare that he had in no way infringed any one of these rules. Passing to the allegations commonly made that he had accumulated a large fortune and was a very wealthy man, owning *'mansions in England and Wales and villas in the South of France,'[7] he showed that his investments brought him in £400 a year, and that the only house of his own that he possessed had been built with money saved out of his salary and had cost just over £2,000. "Now that is my palace. That is all I have got in the world." Much of the remainder of his examination was taken up by a somewhat theoretical discussion as to whether the purchases in question could be regarded as a speculation or an investment, a debate which engendered considerable warmth among the members of the committee but left the witness unruffled. After him came Mr. Herbert Samuel, and then for week after week a long procession which included Mr. Godfrey and Mr. Harry Isaacs, Commendatore Marconi, Mr. Hilaire Belloc, and a crowd of brokers and jobbers, terminating with Captain the Hon. Arthur Murray, brother of Lord Murray of Elibank, who was still absent on business in South America,

Meanwhile, on May 27, there began at the Old Bailey before Mr. Justice Phillimore the trial, lasting for twelve days, of Mr. Cecil Chesterton, editor of the *Eye Witness*, for criminal libel upon Mr. Godfrey Isaacs in articles appearing in the paper for which he was responsible. The preliminary proceedings on this charge, coupled with a plea of ill-health, had been advanced by Mr. Chesterton as the excuse for his refusal to appear before the Select Committee and justify the allegations which he had made.

Sir Edward Carson, K.C., and Mr. F. E. Smith, K.C., led for the prosecution, and Mr. Ernest Wilde, K.C., later Recorder of London, and Mr. Rigby Smith, K.C., later a judge of the King's Bench Division, for Mr. Chesterton, whose defence was justification, or, in other words, that the statements which he had made were substantially true.

Mr. Samuel and Sir Rufus both gave evidence, as well as Mr. Godfrey Isaacs, and the story was yet once more retailed for anyone to read who was not by that time heartily sick of the whole topic. In the end the jury found the defendant guilty on five out of the six counts and the judge, who announced his entire agreement with the verdict, sentenced him to a fine of £100 and ordered him to pay the costs of the prosecution, adding that it was only with difficulty that he refrained from sending him to prison.

Although the hearing of evidence before the committee was not finally concluded until June 10, such witnesses as were called after May *7* dealt only with Lord Murray's independent transactions and scarcely affected the general question. The members of the committee had accordingly been able to commence consideration of their report by the middle of May ; and on the twenty-eighth the chairman read a draft prepared by himself of the proposed findings, in which, after saying that no evidence had been forthcoming to support any allegation or lend colour in any way to any suggestion that Ministers had been guilty of corruption, he stated that.

> Your committee are of opinion, that, in making the agreement whereby he acquired certain rights in respect of the proposed issue of shares in the American company, Sir Rufus Isaacs acted in perfect good faith and with a sincere conviction that his personal interests conflicted in no wise with his public duty 5 believing, as he did, that the American company was not in any way concerned with the solvency or success of the English company, or with any of its contracts or undertakings.
>
> Nevertheless, in view of all the circumstances detailed in their report,

Sir Rufus Isaacs would, in the judgment of your committee, have been well-advised, if, when invited by Mr. Harry Isaacs to acquire these rights, he had adhered to the resolution formed by him when Mr. Godfrey Isaacs made a similar proposal and had nothing to do with it.

Your committee are further of the opinion that, having regard to the relations then, in fact, subsisting between the two companies and the contractual engagements of the English company in respect of the purchase of the assets of the United Wireless Company and other matters, any acquisition by Sir Rufus Isaacs of rights in the proposed issue was liable to give rise to some such misconception as Sir Rufus Isaacs apprehended as a possible consequence of dealing directly with Mr. Godfrey Isaacs.

If, on the occasion of the debate in the House of Commons on October 11, 1912, it had occurred to the ministers whose conduct had been impugned to make a statement of the facts as disclosed in the action against *Le Matin*, such a statement would, in the judgment of your committee, and as subsequent events have proved, have tended to avert much misunderstanding and to lessen, in considerable measure, the labours of your committee.

This neutral-tinted document gave no satisfaction to the other members of the committee and was little calculated to impress the general public.

Accordingly, on June 2, Lord Robert Cecil presented his own draft, which was certainly not lacking in colour or in severity. Except in so far as it rejected any charge of corruption, it made the gravest possible strictures upon the conduct of Ministers and viewed all their actions in the worst possible light.

We are of opinion [said this draft], that the Attorney-General acted with grave impropriety in making an advantageous purchase of shares in the Marconi Company of America upon advice and information not yet fully available to the public, given to him by the managing director of the English Marconi Company, which was in course of obtaining from the Government a contract of very great importance—a contract which even when concluded with the Government had to be ratified by the House of Commons. By doing so he placed himself, however unwittingly, in a position in which his private interests or sense of obligation might easily have been in conflict with his public duty.

And further,

We find that the rumours current in the City of London as to the connection between Ministers and Marconi shares, however recklessly and inaccurately expressed, rose chiefly from distorted accounts of ministerial dealings in the shares of the American company, and that they were not the mere invention of journalists. . . . We are of

the members of his own profession, who lost no opportunity to show him their sympathy and trust. When in May he presided in the Hall of his own Inn at the Annual General Meeting of the Barristers' Benevolent Association, in which he had always taken a keen interest, the vote of thanks to him was proposed by Sir Edward Clarke, Conservative ex-Solicitor-General and an old friend and opponent, who was justly looked up to by the Bar with affection and esteem both as an advocate and as a man.

There have been during the last few months a good many accusations hinted and suggested, never definitely made, against the character of the Attorney-General [said Sir Edward]. The usefulness of our profession and its title to the privileges and repute which it enjoys depend on the maintenance in our ranks of a very strict sense of honour, and I think the members of the Bar have been greatly troubled by hearing such suggestions against our leader, and have followed with painful interest the course of the discussion. It is a matter in which we are all concerned. We share with the Attorney-General the duty of maintaining the honour of the profession, although of course it is upon him that the responsibility rests. I have read with care all that has been proved in this matter, and I am satisfied, and I believe my brethren of the Bar agree with me, that the charge of corruption or unfaithfulness to public duty has wholly failed. If I were not satisfied, I should not be here to-day. I notice that his assailants are now talking of mistakes and imprudence 5 that is a different matter. We all make mistakes, though the character of those mistakes varies with the differing circumstances of our own lives. But the important thing is that a mistake, or an indiscretion, leaves no stain on the character. And it is only a mean malignity that would, for personal or political motives, make use of an error of judgment to check or deflect from its natural course a long career of private honour and public service. I have known him for many years—twenty to twenty-five—and it is because I know our leader to be a man of honour as well as an accomplished lawyer that I rejoice to be allowed to propose the vote of thanks to him to-day.

After Mr. Boydell Houghton, a universally respected member of the Junior Bar, had seconded the motion, saying that Sir Edward Clarke's observations were an admirable exposition of the views of the Bar as a whole, the Attorney-General, controlling his voice with difficulty, replied :

It would be an affectation in me if I strove in any way to minimize the effect produced upon me by Sir Edward's graceful and most generous words, and also if I failed to appreciate the words which fell from my old friend Boydell Houghton. I naturally should like to say much. I assure you that I feel very much and I appreciate to the full the significance of your response to this proposal. I am most grateful to the

proposer and seconder and I am earnestly and sincerely thankful to you for the way you have received it. If I do not say any more, it is not because I have not anything to say, but because I intend to pursue to the end, until the proper moment comes, the task which I have set myself of not attempting in any way to defend myself—not attempting in any way to vindicate myself, against the charges which have been made, until the time has come when it would be correct and proper for me to say what is within me and what I have to keep dormant at the present moment.

These speeches, coming from men with whom his whole professional life had been spent and received as they were with acclamation by a record attendance, put new heart into him. And there were other similar occasions from which he would come home rejuvenated, like a man who after long months of living under grey and lowering skies had for an instant seen once more a gleam of sunshine, insufficient to warm him through but enough to remind him of the transformation that the return of summer would bring. Certainly this openly expressed support from the Bar greatly helped him to face the ordeal which still awaited him.

The publication of the report could scarcely be expected to end the matter. The character of the tribunal, the daily accounts of acrimonious and unworthy disputes between members during the actual sittings, the perpetual divisions on party lines, the realization that the final draft was only adopted by eight votes against six and that it wholly failed to represent the views of the minority, were all factors which combined to give the report an unfavourable reception in the Press, though by that stage no one who had followed the proceedings of the committee could have cherished great hopes of its findings.

The report had stigmatized as absolutely untrue the charges of corruption made or hinted against Sir Rufus, Mr. Lloyd George, and Mr. Samuel, and had added that the persons responsible for their publication had no reason to believe them to be true, and that the committee could not too strongly condemn the publication in such a way of unfounded charges against the honour and integrity of public men. "The combined and persistent action of the journals named has given widespread currency to a slander of a particularly vile character on the Ministers against whom it was immediately directed and on the whole public life of the nation."

On this aspect of the matter there was a genuine, if in some quarters reluctant, consensus of opinion that Ministers had been fully exculpated. Even the most embittered opponent felt

some hesitation in maintaining charges in support of which no fragment of evidence had been adduced. But there still remained the undisputed fact of the purchase of the American shares and the delay in making the transaction known.

This was more promising House of Commons-material for the Conservative Party, whose representatives on the committee were loudly protesting against the partisan character of the report, apparently without realizing that their own draft had scarcely been lacking in bias from the opposite point of view. "Marconi" had been something of a disappointment to them, but it could not be allowed to die in peace. The funeral service must take the form of a vote of censure. Accordingly on June 18, Mr. George Cave, K.C. (afterward Viscount Cave and Lord Chancellor), moved, and Lord Helmsley seconded, a resolution : "That this House regrets the transactions of certain of its Ministers in the shares of the Marconi Company of America, and the want of frankness displayed by Ministers in their communications on the subject to the House."

Though the country was by then heartily tired of the subject and both political parties had realized that no profit was to be derived from it, interest was momentarily reawakened by the announcement of the full-dress debate in the House, not from any fear or hope—according to the point of view—that the Government was likely to suffer defeat, but from curiosity as to the course to be taken by the Ministers concerned. They were well supplied with gratuitous advice, but they kept their own counsel until the appointed moment, except for informing their colleagues in the Cabinet of their intentions.

They had had plenty of time and cause to realize that they had made a mistake in not telling the full story in the previous debate, and were not only willing but anxious to put themselves right with the House, and through the House with the country. They had been handsomely cleared of any reflection upon their honour ; they could themselves as handsomely admit a lack of judgment, now that after-events had thrown so convincing a light upon the situation.

The main point of Mr. Cave's speech was that the Ministers had made a big profit through information supplied by someone who was in contractual relations with the Government, and that they had not dealt fairly with the House in failing to disclose their transactions at an earlier stage.

As soon as Lord Helmsley resumed his seat after seconding the motion, Sir Rufus rose. It was for him a moment of crucial importance. If by some unpredictable misadventure the motion

should be adopted by the House, his public career was at an end. If it should be rejected, the long campaign against him was at an end. Members were not kept in suspense as to the line which he proposed to follow. Dealing first with the accusation of want of frankness to the House in the previous debate, he stated his view in unambiguous terms that he had been ill-advised in withholding the full information, however good the reasons for doing so might have seemed at the time ; while in regard to the actual transaction, he said :

Let me tell the House that although I thought these transactions quite unobjectionable—I thought they were correct and that there could be no question raised in regard to them—-I say now that, if I had had all the facts present to my mind at the time I entered into the transaction, if I had known then all that I know now, if all had been disclosed to me which subsequent events have revealed, if I had realized that men could be so suspicious of any action of mine, if I had thought that such misrepresentation could possibly exist, I state quite plainly that I would not have entered into the transactions. I need scarcely tell the House that I have given this matter very careful consideration before I made this statement, and I say solemnly and sincerely that it was a mistake to purchase those shares. The mistake arose from the fact, as I say, that it never occurred to me that I should be suspected, and I did not know all that I have subsequently learned.

This full and frank admission of error commended itself to the feeling of the House, and Mr. Lloyd George, who followed, at once associated himself with all that Sir Rufus had said.

According to precedent, at the conclusion of his speech the two Ministers against whom the vote of censure was directed left the House and took no further part in the proceedings. The debate continued for two days, Lord Robert Cecil and various other members of the committee taking part and endeavouring to justify the particular version of the report to which each had given his adherence. Mr. Samuel also spoke, though any charge, however nebulous, against him had long since vanished.

It was not until the second day that the heaviest guns came into action, the Prime Minister, Mr. Balfour, Mr. Bonar Law and Sir Edward Grey all participating.

Few debates could more aptly have illustrated the difference in temperament between Mr. Balfour and Mr. Bonar Law, the former anxious to find a resolution which the whole House could with dignity accept, the. latter determined to press a possible party advantage to the bitterest of bitter ends.

After Mr. Balfour came the Prime Minister, and it seemed at that stage that a generally acceptable formula might well be

devised. While the debate went on, hasty efforts were made to draft one ; and in the end a Liberal member, Sir W. Ryland Adkins, moved as an amendment to Mr. Cave's resolution : "That this House, after hearing the statements of the Attorney-General and the Chancellor of the Exchequer in reference to their purchase of shares in the Marconi Company of America, accepts their expression of regret that such purchases were made, and that they were not mentioned in the debate of the 11 th October last, acquits them of acting otherwise than in good faith and reprobates the charges of corruption brought against Ministers which have been proved to be wholly false."

At first this form of words appeared likely to meet the situation, but towards the end of the debate a rancorous speech from Major Archer-Shee and a spate of invective from Mr. Bonar Law made it plain that Sir Edward Grey's final appeal for unanimity was foredoomed to failure. The House proceeded to divide on Mr. Cave's original motion, which was defeated by 346 votes to 268 in a division on strict party lines. Sir Ryland Adkins's amendment was then agreed to without a further division.

The topic had now been finally flogged to death, and it is probable that the great majority of Conservatives agreed with the sentiments expressed by *The Times* on the morrow of the debate :

> We should be sorry if, as a result of this wretched business, either Sir Rufus Isaacs or Mr. Lloyd George were driven from public life. And after the present severe lesson there is reason to hope that they will be far more useful public servants than before.

The days were already approaching when the country was to have greater need of the services of these two men than in time of mere party battles. Had they been driven at that moment from public life, the whole course and issue of the Great War might well have been changed.

One or two newspapers strove to keep the dying embers of the controversy alight by starting a campaign against the possible appointment of Sir Rufus as Lord Chief Justice in succession to Lord Alverstone, who was known to be in rapidly failing health. But their clamour was both premature and ineffective.

Even so, the last act of these prolonged obsequies did not take place till February of the next year, when in the House of Lords Lord Murray of Elibank, who had by then returned to England, was called upon to explain his part in the transactions with his colleagues and his reasons for making subsequent purchases from the Liberal Party funds. He in his turn followed his friends'

example in frankly admitting a mistake, and the matter ended for good with the adoption by the House of Lords of a resolution on the same lines as that already approved by the House of Commons.

Nobody reading the story of this incident in the remote atmosphere of to-day can believe that there ever was even the most shadowy foundation for the allegations of corruption which were so glibly and widely made. As to the charges of indiscretion, they would never by themselves have been powerful enough to maintain so protracted and vitriolic a campaign. So great a mountain of controversy was erected during those few months that it is difficult now to see the original molehill which was the basis of it all. Looking back upon all that took place, it may be easy to say that it was unwise or indiscreet of Sir Rufus ever to embark upon a transaction which was capable of producing such widespread and formidable results. But it is easy to criticize and condemn in the light of after-events when all the circumstances are known, all the consequences of the original action revealed, and all the unscrupulousness of party politics at their worst displayed. When he entered upon this transaction, none of those things had happened, nor was he a person who by temperament was likely to form so unfavourable a view of his fellow men as to anticipate the probability of their happening. If it be a fault in a man to have too much faith in the essential decency of human beings, to credit others with the same charity of outlook as he himself possesses, to preserve through all the various experience of a busy advocate's life a belief in the basic sanity and balance of men's minds, than no doubt he was to blame. But for such a fault his suffering was grievous enough. One day at the height of the controversy I came unexpectedly into his room in his chambers in Garden Court and found him sitting at his desk, his head resting on his hands, gazing silently before him. For some minutes he neither moved nor spoke and then, turning towards me, he said :

"I had hoped to hand on to you so much, and now it looks as if I shall have nothing to hand on to you that you will want." From a man of so high a faith and courage, so little given to demonstrativeness, so steeped in reticence, that one sentence was the most poignant evidence of all that he was going through. After he became Lord Chief Justice, I never heard him refer to the Marconi episode again. It was as if he had determined to blot out of his memory so harrowing and so embittering an ordeal.

Fortunately in all the circumstances the first half of 1915 had not been quite so crowded with work as the preceding years.

There was no case of particular interest, and Sir Rufus's Parliamentary duties had been chiefly concerned with purely legal business in connection with the appointment of additional Law Lords, though the Provisional Collection of Taxes Bill had also made considerable demands upon his time.

An embarrassing situation for the Government had been created by the decision in the case of Bowles *v.* the Bank of England, that collection of taxes merely authorized by resolution of the House of Commons in anticipation of statutory sanction was illegal, and the bill was required to overrule the courts and legalize provisional collection in order to rescue the Inland Revenue from- chaos.

After a holiday at their favourite Marienbad, followed by a first visit to Vienna and Semmering, Sir Rufus and his wife felt better able to take up again their normal life which had been almost in a state of suspension during the Marconi episode.

She had throughout displayed her customary fortitude, but her unsparing efforts to keep him cheerful and confident had imposed upon her an almost insupportable burden, and the reaction after the strain and stress abated left them both exhausted in body and mind. They had fought so hard to put a brave face upon things that, when it was no longer necessary to keep up appearances, they found that they had half-forgotten how to be natural.

But adversity had only strengthened their mutual devotion and trust, and, as soon as the distraction of new people and fresh scenes had begun to heal his wounds, her health correspondingly improved.

When he resumed work in October, he seemed largely restored to his old vigour, though at times, as his thoughts turned back to the past year, there would fall over his face a shadow that could not be misunderstood.

As he led the procession of King's Counsel up the Central Hall at the ceremony at the Law Courts which marked the opening of the Michaelmas term he was loudly and continuously cheered by the assembled members of the Bar and the public, and he came back in radiant spirits. The acclamation was at the moment especially welcome, for it had been for some months becoming increasingly plain that Lord Alverstone was a dying man and would certainly never be fit to resume his duties on the Bench. Indeed, his resignation had been generally expected before the Long Vacation, and it was fortunate for Sir Rufus that it had been deferred, since he would have found himself in great difficulty in accepting the Lord Chief Justiceship, even if it had been offered

to him, before the last formalities of the Select Committee had been observed.

In any case, the atmosphere had been so successfully poisoned that, as has already been mentioned, a campaign had been launched in the Press against his appointment, and there was always the possibility that, when the vacancy did occur, the Prime Minister might in all the circumstances refrain from inviting him to fill it. There was also the question whether, if the offer were made, he ought to accept. The *Morning Post* and the *Daily Express* had been loudest in their anticipatory protests against Sir Rufus being even considered to succeed Lord Alverstone. "Can it be pretended for a moment," wrote the *Express*, "that the contemplated appointment is either prudent or feasible ? To attempt it is, for Mr. Asquith, to flout public opinion with a brazen effrontery almost beyond belief. To accept it would be, for Sir Rufus Isaacs, to run the gravest risk both of imperilling an office of which he must hold the honour very dear and of covering himself with an odium which he would wisely dread."

It was this last aspect of the problem that chiefly exercised his own mind. But Mr. Asquith, though he had naturally not been best pleased with his lieutenants for having provided the Opposition with the ammunition of the Marconi "Scandal" with which to reinforce their already formidable bombardment of the Government, had expressed his own view as to the true perspective of the whole affair in the course of the final debate, and no one could doubt that they represented his true judgment. Holding those opinions he was not likely to be deflected from his decision by the vociferations of a section of the Press, however strident and sustained.

Not to offer the post to his Attorney-General would not only be tantamount to admitting that he had been guilty of personal conduct so grave as to disqualify him from holding an office to which on professional merits he was clearly entitled ; it would also involve the corollary that, if he was unfit to be Lord Chief Justice, he was not less unfit to remain Attorney-General ; and, if he was unfit to be Attorney-General, Mr. Lloyd George was equally unfit to continue as Chancellor of the Exchequer. But such a proposition Mr. Asquith had long since both publicly and privately rejected ; loyalty to his colleagues, which was one of his outstanding traits, combined with sincere conviction to rule out any such view.

Accordingly, when in the middle of October Lord Alverstone at last tendered his resignation, the Prime Minister unhesitatingly offered the Lord Chief Justiceship to Sir Rufus. But Sir Rufus

himself was in something of a dilemma. The Press campaign had shown in advance that his appointment would not be allowed to pass unchallenged ; not only would political capital be made out of it, but it might be that from the mere fact of controversy the office itself would be harmed. And his respect for the great position of Lord Chief Justice of England was far too high to permit him to run even a remote risk of impairing its prestige for the sake of satisfying any personal ambition.

On the other hand, if he refused the offer, he was faced with the same difficulty as had confronted the Prime Minister. It would be construed as an admission of guilt and a recognition of his unfitness for the post which would equally apply to his continued tenure of the office of Attorney-General. But he had not undergone the past months of purgatory in order to surrender now to his enemies and by quitting public life justify the authors of the long campaign of calumny. His conscience was clear and his course was plain. He decided to accept.

His next act was to motor over from Reading to visit Lord Alverstone at Cranleigh. He found the former Lord Chief Justice obviously close to death 5 even the great domed forehead seemed to have shrunk, and he looked feeble and frail. But his brain was entirely clear, and at the end of the visit he took his successor's hand and, still holding it, said : "I want you to know that, if there was an error of judgment on your part in the Marconi affair—and I am not for a moment saying there was—I was disgusted at the disgraceful way in which the whole business was used for party purposes, and you had my deepest sympathy all along."

This assurance, coming from such a source, gave Sir Rufus immense comfort and touched him very deeply. I had accompanied him in the car and waited in it outside the house during the interview. When he returned, he was for some moments quite unable to speak.

On October 22 he was sworn in with impressive ceremony before the Lord Chancellor, Lord Haldane, and in the presence of most of the Lord Justices and Judges and a thronged attendance of the Bar.

The Bench and Bar has assembled [said the Lord Chancellor], to witness the introduction of the new Lord Chief Justice of England and to take farewell of one whom I have long known and whom illness has prevented from remaining with us. I will speak first of the new Lord Chief Justice. Some of us have known him for a quarter of a century. There is no relationship more searching, none in which more intimate knowledge of a man is obtained, than in the case of a man

with whom one is brought into intimate daily contact. To a commanding grasp of the various branches of his profession Sir Rufus Isaacs adds other qualities. It is not often that one finds such a combination of a mastery of the law with such a keenness in dealing with facts as is found in Sir Rufus Isaacs. He is a man whose highest desire is to do right between man and man ; he is a man of the highest honour and of the highest desire to ensue truth when it can be ensued.

There was one slight untoward incident. A barrister, impelled either by force of conviction or hope of notoriety, interjected : "Speak for yourself, Lord Haldane !" and then hurriedly left the court, not without the assistance of those near enough to accelerate his departure. His desire was presumably to make a protest against Sir Rufus's appointment, but he unfortunately mistimed his interruption so as to break into the Lord Chancellor's tribute to Lord Alverstone.

Sir Rufus was inundated with congratulations from friends and acquaintances, personal, political and professional, but he was especially touched by a letter from Arthur Cohen, K.C., then a very old man, to whom he replied :

I once said in public that I tried to mould myself in my profession according to the example that you had set. When I came to the Bar and heard men speak of you, I said to myself, that I should be proud indeed if my fellow-barristers spoke of me in anything like such terms.

I have been very fortunate, and not the least part of my good fortune is that the Bar seems to welcome it and that our poor community is so very pleased that this appointment has come to one of the race.

The introductory formalities being complete, the new Lord Chief Justice set out to school himself to the daily routine of the Bench and speedily won the approval of those practising before him by his silence, his courtesy, and above all his patience. Not all those who have spent long years as an advocate find it possible to cultivate judicial detachment, but his was essentially a balanced mind and one of his most valuable faculties at the Bar had been the power to detect the strengths and the weaknesses of his opponent's case as well as of his own. Impartiality therefore came easily to him, and, though his judgments were never monuments of learning or masterpieces of language, he could always be relied upon to be clear, sane and essentially fair.

As he himself said years afterwards in a speech in India : "I would always prefer to be known as a just man rather than a great lawyer."

One of the duties of the Lord Chief Justice is to preside, whenever he is available, over the Court of Criminal Appeal, and

to this aspect of his work Sir Rufus attached the utmost importance, holding that it was vital to the efficiency of the court that the same judge should preside as often as possible in order to give consistency and continuity to its decisions, not least in regard to sentence.

Moreover, he was anxious to have an opportunity of studying the art of trying crimes as exemplified by the cases brought before that court, before he himself went out on circuit. For his own practice had supplied him with little experience of the ordinary run of the criminal law.

Fortunately for him, he found that the Lord Chief Justice was not expected to go on circuit with the same frequency as his colleagues, having many administrative and ceremonial functions to perform. For it cannot be pretended that he was eagerly awaiting the day when his turn should come. He detested being away from his own home, even for a night, and the prospect of weeks spent in a series of judges' lodgings in provincial towns filled him with unalloyed gloom. But he succeeded in delaying the ordeal for seven months.

Meanwhile, in the Honours List published on New Year's Day, 1914, he was created a Baron, and the question of an appropriate title arose. He had no territorial connection except such as might be derived from his tenancy of Fox Hill, and his local associations were confined to the borough of Reading. Over and above his dislike of exchanging the heated turmoil of politics for the frigid isolation of the Bench he had felt keenly the severance of the personal relationships of nine strenuous years in his constituency, the individual character of his hold upon which was proved by the heavy defeat of the new Liberal candidate at the by-election consequent upon his elevation to the Bench. All his inclination was therefore towards maintaining the connection by taking his title from the borough. Indeed, his hesitation was solely due to the fear that his appropriation of it might cause some resentment among such families as the Palmers and the Suttons, who were attached to the town by ties of so much longer standing than his own. "Fox Hill" was at once ruled out, since, apart from the obstacle that he only held the property on a lease, it smacked more of Jorrocks than of a Lord Chief Justice.

There is a road leading out from Reading to what was then the little village of Early—it is spelt indiscriminately Early, Earley, Erleigh, and Erlegh in the district—which goes by the name of Erleigh Rise, and this was suggested by the more flippant of his friends as the perfect title for him in view of his matutinal habits.

But the only serious choice seemed to lie between Lord Reading of Erleigh and Lord Erleigh of Reading ; and in the end he came down on the side of the former combination as better preserving his own individuality, a decision which, to his great pleasure, was warmly welcomed throughout the borough.

The initial months of occupation of his great office were uneventful. In February of 1914 the veteran Sir Edward Clarke appeared before him in court for the first time, and at the earliest opportunity sent up a note :

MY DEAR READING,

It is a very great pleasure to me to appear this morning before the fifth Lord Chief Justice before whom I have practised.

Cockburn
Coleridge
Russell
Alverstone
Reading.

It is a fine series.

Always yours,
EDWARD CLARKE.

It was not till June of 1914 that he reluctantly embarked upon his first circuit, selecting the Oxford in preference to his own Northern in order that Reading might be the first town that he visited officially in his new capacity, and also that he might spend at least the first few days of his exile in his own house at Fox Hill. Having already gained experience of the duties of a Judge's Marshal with Mr. Justice Horridge, I accompanied him in that capacity, and my mother came with us as far as Oxford, so that he was not entirely at the mercy of strangers.

Among the cases for trial at Reading was a charge of manslaughter against an elderly stable-hand from Lambourne. The Lord Chief Justice came at an early stage to the conclusion that the whole affair had arisen out of a trumpery public-house brawl, and that it was only by a stroke of singularly bad luck that it had resulted in the death of one of the participants. He therefore took a line strongly in favour of the prisoner, who was duly acquitted and, on hearing the verdict of the jury, waved his cap and shouted in the exuberance of his joy: "God bless you, Guv'nor. Fil do you a good turn for this one of these days."

He had scarcely the appearance of one able to confer any particular benefit upon the Lord Chief Justice of England, but he was as good as his word.

On Derby Day, 1919, being then my father's private secretary,

I went over as usual at four o'clock from my chambers to see him on the rising of the court. He inquired what had won the race and I told him, "Grand Parade."

"Oh, did it ?" said my father, carefully avoiding my eye, "I believe I had a letter about that," and from the unwieldy bundle of correspondence which he always insisted upon carrying about with him he produced somewhat shamefacedly a dirty, ill-written letter from the old stable hand, saying in effect : "You did me a good turn once. Now I am going to'do you one. Back ; Grand Parade' for the Derby." I am afraid that I used language both unfilial and unsecretarial on being shown the letter for the first time an hour after the race had been run. But it was not the writer's fault that his information had not been turned to good account, if not by the Lord Chief Justice himself, at least by his family.

Between the stable hand's acquittal and "Grand Parade's" Derby much was to happen, but it was all still below the horizon in the summer of 1914.

Round the Oxford Circuit the Lord Chief Justice continued his leisurely way. When the Assizes were at an end, he would return to London and there peacefully try other cases until the Long Vacation began. Then he would set off once more for Marienbad and his annual cure, to resume his judicial duties in the autumn, rested and refreshed.

There seemed little reason why for the remainder of his life, or anyhow as long as his faculties survived, he should not pursue the same routine. He was fifty-four. After an early life of much vicissitude he had arrived by dint of phenomenal hard work at a position of dignified security. He was Lord Chief Justice of England, the highest purely legal office in the country and one of the most respected throughout the world. He was receiving a salary of £8,000 a year with all that such a sum meant in 1914 in the way of comfort and freedom from care. After fifteen years' service he would be able, if he wished, to retire on a generous pension. He was a peer, and this honour was all the more highly prized for being shared with his beloved wife. To his and his wife's great pleasure, their only son had just become engaged to the eldest daughter of their old friends, Sir Alfred and Lady Mond.

After many hazards his life at last presented a picture of serene stability.

But even in middle age he loathed stability and already doubts were boring into his mind. Had he chosen wisely ? Could he go on indefinitely in the rarefied atmosphere of the Bench ? Must he contemplate a future punctuated with circuits,

where he had already found the trying of crime in general thoroughly distasteful and of sexual crimes utterly repellent? Above all, how was he to endure permanent exclusion from the political arena, where his friends and former colleagues were even now faced with the critical situation arising out of Ulster's threat of armed resistance to Home Rule? Had he parted forever from that enthralling life symbolized by the arrival of the red dispatch boxes in which Cabinet papers are contained? Was his closest contact for the rest of his days with affairs of State to consist in mute membership of the House of Lords? Was adventure already a thing of the past?

He had no need to torment himself. The shadow that thus darkened his private peace of mind was soon to be dwarfed into insignificance by the huge thunder clouds massing over Europe; and the breaking of the sudden, earth-shaking storm found him urgently summoned back into the inmost councils of Great Britain and her Allies and destined for still unimaginable adventure in the years ahead.

INDEX

A

Adkins, Sir W. Ryland, 272
af-Hageby, Miss Lind, 104, 105
Aix-les-Bains, 68, 69, 93, 178
Akers-Douglas, A., 144
Aliens Bill, 143
Allen *v.* Flood, 61-63
Alverstone, Lord, 76, 81, 173, 187, 201, 272, 274-277, 279
Amalgamated Society of Railway Servants v. Taff Vale Railway Co., 101-103
American Civil War, 7
American Marconi Company, 233—273
Amery, L. C, M.P., 251, 262
Angle, Jack, 32, 33
Archer-Shee, George, 188-191
Archer-Shee, Major, 244, 247, 272
Aronsohn, Dr., 15
Article Club, 93
Ashbourne, Lord, 62
Asquith, H. H. *(see* Lord Oxford and Asquith)
Asquith, Mrs. 206
Asquith, Raymond, 257
Associated Newspapers, Ltd., *v.* Messrs. Lever, 164-167
Astbury, Mr. Justice, 119
Atherley-Jones, Mr., K.C., 141
Avebury, Lord, 226, 247
Avory, Mr., K.C., 90, 91, 119, 120, 138

B

Back, Terence H., 188
Bad Homburg, 93, 94, 196
Balcarres, Lord *(see* Crawford and Balcarres, Earl of)
Balfour, Arthur, 119, 132, 143, 144, 148, 160, 199, 205, 209, 251, 271
Ball, Master Valentine, 107
Banbury, Lord (Sir Frederick), 251
Bancroft, Sir Squire, 197, 198
Bank of England *v.* Bowles, 274
Bankes, Lord Justice (J. Eldon), *77,* 102, 103, 107, 137, 141, 171
Barczynsky, Mr., 12
Bargrave-Deane, Mr. Justice, 96, 97
Barker, Sir John, 198
Barker *v.* Mayo and others, 178
Barnato, Mr. Barney, 173
Barnes, John & Co., Ltd., 48
Barnum and Bailey, 56
Barnum, Mr., 56
Barrett, Mr., 137
Barrie, Sir J. M., 195
Barrow, Eliza Mary, 211-220
Bayliss, Dr., *v.* Coleridge, 104-106
Beaconsfield, 94
Beaconsfield, Lord, 7, 9, 198
Beall, 74, 75
Bell, Richard, M.P., 101-103
Belloc, Hilaire, 240, 242, 263
Bendon, Albert, 174, 175
Beresford, Lord Marcus, 53
Bewick Moreing & Co. *v.* Chang Yeng Mao, 139-140
Bigge, Sir Arthur *(see* Lord Stamfordham)
Bigham, Mr. Justice *(see* Lord Mersey)
Birkenhead, Lord (F. E. Smith), 90, 92 149, 150, 160, 165, 185, 203-205, 257, 258, 264
Birmingham Trust Co., 76-81
Blair Athole, 20-27
Bodkin, Archibald, 175
Boilermakers' Union *(see* Allen *v.* Flood), 61
Booth, Mr. Handel, 251, 255, 261
Bourke, Schiff & Company, 237
Bowles *v.* the Bank of England, 274
Bradford, 87
Brampton, Lord (Mr. Justice Hawkins), 62,63
Branson, G. A. H., 66, 109, 120, 165, 166
Bray, Mr. Justice, 150
British-America Company, 117, 118, 122
Broeksma, Mr., 82-86
Brussels, 13, 14
Bryce, Mr. and Mrs., 163, 164
Bryce *v.* Bryce and Pape, 161,163-164
Buckley, Mr. Justice *(see* Lord Wrenbury)
Bucknill, Mr. Justice, 211, 219
Builder of Bridges, The, 195
Burge, 88-91
Burnham, Lord (Sir Edward Lawson), 94
Burnham, Lord (Hon. Harry Lawson), 226
Burtt, Mr., 181
Butcher, J. G., K.C. *(see* Lord Danesfort)

C

Cadbury, W. A., 181
Cadburys, Messrs., *v.* Standard Newspapers Ltd., 179-182

Cafe" Royal, 99
Calcutta, 24-26
Californian, 222, 225
Campbell, Graham, 90
Campbell, J. M., K.C., 257, 259
Campbell-Bannerman, Sir Henry, 71, 143, 155, 156, 167-169, 193, 251
Cannon, Joseph, 53
Cardiff, 20-22, 23, 27
Carson, Lord (Sir Edward), 81, 107, 119 158, 161-166, 171, 175, 177, 178, 179, 181, 182, 188, 190, 191, 210, 257-259, 264
Cassel, Sir Felix, K.C., 120
"Cat-and-Mouse Act," 222
Cave, Viscount, K.C. (Mr. George), 270,272
Cecil of Chelwood, Viscount, 250, 251, 255, 261, 262, 265, 271
Chamberlain, Arthur, 76—81
Chamberlain, Austen, *75,* 81, 209
Chamberlain, Joseph, 71, 75-77, 80, 131, 132, 155, 251
Chambers, Sir Thomas, Q.C., 43
Chamonix, 178
Chang Yeng Mao *v.* Bewick Moreing & Company, 139-140
Channel, Mr. Justice, *75*
Charlton, 137
Chelmsford, 7
Chesterfield, 73
Chesterton, Cecil, 239, 264
Chesterton, G. K., 239
Chetwynd, Sir George, *v.* Lord Durham, 49-53
Chinese Engineering & Mining Control Co., Ltd., 139, 140
Christie's, 179
Churchill, Winston, 206, 208, 210
Clarke, Sir Edward, *76,* 78, 80, 81, 93, 95-97, 102, 106, 107, 129, 137, 149, 150, 188, 268, 279
Coal Mines (Minimum Wage) Bill, 210
Cockburn, Lord Chief Justice, 279
Cocking, Mr., 79
Cohen, Albert, 39-42
Cohen, Mrs. Albert *(n&e* Friedmann), 39, 40, 48
Cohen, Alice *(see* Lady Reading)
Cohen, Anne *(nie* Davis), 10
Cohen, Arthur, Q.C., 45, 46, 62, 277
Cohen, Edward, 40
Cohen, Rosie, 41, 42, 48
Cohen, Samuel, 10
Cole *v.* Ellis, 179
Coleridge, Mr. Justice, 222, 279
Coleridge, Hon. Stephen, *v.* Dr. Bayliss, 104-106
Commerce, 95
Conquest, Ex-Inspector, 99, 100
Consolidated Stock Exchange of New York, 117
Cowley, Lord, 96-98
Craig, Norman, 165, 166
Crawford and Balcarres, Earl of, 239
Cnbb, Isaac, 24, 32
Cromwell, Oliver, 7
Cullen, Mr., 79
Culme-Seymour, Admiral Sir Michael, 200, 201
Culme-Seymour, Miss, 200, 202
Cunon Street, 32, 195
Cushenden, Lord (Mr. Robert McNeill), 210

D

Daily Express, 275
Daily Mail, 165
Daily Telegraph, 94
Danckwerts, Mr., K.C, 107, 141
Danesfort, Lord (J. G. Butcher, K.C), 251
Darling, Mr. Justice, 257, 258, 259
Davey, Lord, 62, 63
Davis, Anne *(see* Cohen)
Davis, Daniel, 9, 10, 12, 17, 18, 30, 51
Davis, Frances *(n6e* Marks), 9, 10, 13, 17, 18,30
Davis, Sarah *(see* Isaacs)
Deal, 27
Denaby & Cadeby Main Collieries Ltd., *v.* Yorkshire Miners' Association, 140-142
d'Estournelles, Marquise, 157
Devonshire, Duke of, 99
Dickens, C. J., 179
Dickens, Sir Henry, Q.C, 68
Dickens & Jones, 179
Dickinson, Lord (W. H. Dickinson), 160
Dilke, Sir Charles, 143
Disraeli, Benjamin *(see* Lord Beaconsfield)
Donnelly, Ned, 32-54, 56, 57, 114
Doughan, Mr., 148
Duff-Gordon, Sir Cosmo, 225
Dufferin, Marquess of, 117, 118, 125
Dugdale, Mrs., 251
Duke, Henry, 107, 157, 165, 165, 166
Dunedin, Lord, 197
Durham, Lord, *v.* Sir George Chetwynd, 49-55
Duveen *v.* Seligmann, 157

E

Edinburgh, 134
Edlin, Sir Peter, 45
Edward VII, King, 45, 92, 95-94, 155, 193, 194,197
Education Bill, 168

Egerton, Major, 53
Elders, Messrs., 21
Electric Tramways Construction Maintenance Co., Ltd., 138
Elibank, Master of *(see* Lord Murray of Elibank)
Ellis, Arthur, *v.* Cole, 179
Elman, Mischa, 142
Emanuel, S. H., K.C., *55*
Esher, Lord, 68
Essex, Sir Walter, 251
Evans, S. T., 141, 171, 185
Evening Standard, 165
Eye Witness, 239, 240, 242, 243, 251, 264

F

Faber, George, 251, 261
Falconer, Mr., 251, 253, 255, 261, 266
Farwell, Mr. Justice, 102
Financial Gazette, 75
Financial News, 232
Financial Times, 247
Finlay, Viscount (Sir Robert), 119, 223
Fitzmaurice, Lord Edmund, 144
Flood *v.* Allen and *v.* Jackson, 60-63
Forwood, Sir William, 153
Foster, John Douglas, 82-86
Fox Hill, 145,146,156,177,194, 225, 278, 279
Francis-Williams, Mr., K.C., 102
Frankfurt-on-Main, 93
Freeman-Thomas, Mr. *(see* Marquess of Willingdon)
Friedmann, Elizabeth *(see* Mrs. Albert Cohen)
Frodsham, Mr., 148, 153
Fry, Mr., 72
Fry, Messrs., 181

G

Garrick Club, 195, 197, 208
George V, King, 194, 200-202, 205, 228
German Telefunken Company, 227, 228
Gibbs, Bright & Company *v.* Lake George Gold Mines Ltd., 129
Giles, Mr., 148
Gill, Charles, F., K.C., 90, 91, 96, 175, 197
Gimrack Club Dinner, 49
Gladstone, Viscount, 132
Gladstone, William Ewart, 7
Glamorgan Coal Company v. South Wales Miners' Federation, 106
Glasgow, 20, 21, 22, 134
Glasgow, Mrs. Arthur, 198
Glenesk, Lord, 94
Glengall Iron Company, 60
Gorell-Barnes, Mr. Justice (Gorell, Lord), 96, 182
Goudie, 86-92
"Grand Parade", 280
Grant, Ernie, 212, 214
Grantham, Mr. Justice, 140
Grey, Viscount (Sir Edward), 71, 155, 169, 181, 206, 227, 228, 246, 247, 271, 272
Grosse, Heinrich, 211
Guinness, Hon. Walter, M.P., 239, 254
Gull, Sir William, 42

H

Haldane, Viscount, 71, 102, 134, 155, 156, 169, 206, 224, 276, 277
Hall, Marshall, 44, 69, 90, 91, 215, 216, 218, 219
Halsbury, Lord, 62-65, 94, 205
Hamilton, J. A. *(see* Viscount Sumner)
Hampstead "Parliament," 55, 56, 69, 70
Hanover, 16
Hardwicke Society, 107, 108
Harrogate, 134
Hartopp, Sir Charles, 95-101
Hartopp, Lady, 95-101
Harvey, Mr. Gordon, 251, 254
Harwich, 7
Hawke, H. M. S., 203
Hawkins, Mr. Justice *(see* Lord Brampton)
Hawtrey, Sir Charles, 197
Hawtrey, Lady, 197, 198
Helmsley, Lord, 270
Hemmerde, Mr., 90, 149, 165
Henderson, Mr., 148
Henry, Sir Charles and Lady, 171
Henshall *v.* R., 179
Herschell, Lord, 62, 63
Heybourn, Percy, 232, 234
Heybourn & Croft, Messrs., 232
Hinde, Mr., 43
Hindley, Sir Clement, 25
His Majesty's Theatre, 208
Holmes, James, 101, 102
Home Rule Bill, 209, 210, 231
Hooley, Ernest Terah, 137-139
Horridge, Mr. Justice, 149, 165, 279
Horsley, Sir Victor, 104, 105
Houghton, Boydell, 268
Howden *v.* Yorkshire Miners' Association, 129, 140, 141
Hudson, Mr., 88-90
Hughes, Sir Thomas, 147, 148

Hume-Williams, Ellis, 44
Humphreys, Mr. Justice, 217
Hurst Park, 87

I

Ibo and Nyassa Corporation i>. Lewis and others, 171, 172
Inderwick, Mr., *96*, 97, 99
Insurance Bill, 203, 204, 209, 231
Inverness, 177
Isaacs, Albert, 14-15, 16
Isaacs, Alice *(see* Lady Reading)
Isaacs & Co., M., 8, 16, 26, 27, 60
Isaacs, Esther *(see* Sutro)
Isaacs, Florrie *(see* van Gruisen)
Isaacs, Frances *(see* Key2er)
Isaacs, Fred, 29
Isaacs, Godfrey (Jack), 29, 35, 226-273
Isaacs, Harry, 12-14, 17, 18, 29, 33-36, 47, 48, 69, 70, 234, 236, 237, 261, 263, 265-267
Isaacs, Sir Henry, 9, 30, 43, 56
Isaacs, Isaac, 7
Isaacs, Israel, 7
Isaacs, Joseph Michael, 9-14, 17-20, 30, 33, 36, 56
Isaacs, Michael, 7
Isaacs, Michael, the younger, 8, 9
Isaacs, Nellie, 29-31
Isaacs, Rufus Daniel *(see* Lord Reading)
Isaacs, Samuel, 7,
Isaacs, Sarah *(nie* Davis), 9-12, 17-19, 30, 35,36, 41, 42, 56
Isaacs, Sarah *(nie* Levy), 8, 9
Ismay, Bruce, 223

J

Jackson *v.* Flood, 61, 62
James, Lord, of Hereford (Sir Henry, K.C.), 51, 52, 62
Jeans, A. G., 149, 150
Jessel, Sir George, 45
Jockey Club, 50, 51, 53
Joel, Jack, 173, 174-177
Joel, Solly, 173, 175
Johannesburg, 82, 83
John Glayde's Honour, 195
Johnstone, G. H., 156
Jones, Charles, 148
Jones, Mr., M.P., 148
Joyce, Mr. Justice, 139, 140
Judah, Katherine, 7
Junker & Heynemann, 27, 28

K

Kahn, Mr., 13, 14
Kelly, 87-92
Kennedy, Mr. Justice, 61
Key, Professor T. H., 16
Keyser, C. E., 130, 131
Keyserling, Dr., 16
Keyzer, Albert, 28
Keyzer, Frances *(nie* Isaacs), 28-31
Knight, 61, 62
Krause, Dr. F., 81-86, 92, 161
Kynoch of Birmingham, 76-81

L

Labouchere, Henry, 92, 93
Lake George Gold Mines, Ltd. *v.* Gibbs, Bright & Company, 129, 134
Lake View Consols, 117, 121, 122, 127
Lambert, George, 119
Lambourne, Lord, 197
Lankester, Forbes, 44
Lansbury, George, 244, 245
Lansdowne, Lord, 204, 205
Law, Bonar, 209, 210, 271, 272
Law Journal, 185
Lawrence, A. T. (see Lord Trevethin)
Lawrence, D. T. 148
Lawrence, Mr and Mrs. Pethick, 222
Lawson, Sir Edward *(see* Lord Burnham)
Lawson, Hon. Harry *(see* Lord Burnham)
Lawson, H. J., 137, 138, 139
Lawson, W. Ramage, 239,242,253,254,255
Le Matin, 256, 260, 265
Lever, Messrs., r. Associated Newspapers Ltd., 164-167
Leverhulme, Lord (W. H. Lever), 165-167
Levy, Sarah *(see* Isaacs)
Lewis and Ibo & Nyassa Corporation *v.* Wyler,109, 171, 172
Lewis and Lewis, 81
Lewis, Sir George, 51, 94, 99,163,169, 256
Lewis, Lady, 195
Liberator, 200
Lister, Lord, 104
Liverpool Bank frauds case, 86—92
Liverpool, Bishop of, 153
Liverpool Daily Post & Mercury, 147, 149
Lloyd George, David, 71, 73, 132, 144, 169, 170, 178, 182, 199, 204, 206, 208, 221, 230, 251, 232, 236, 237, 242, 244, 254, 258, 260, 263, 266, 267, 269, 271, 272, 275
Lock wood, Colonel *(see* Lord Lambourne)

Lodge, Sir Oliver, 228
Lodge-Muirhead Syndicate, 228, 246
London & Globe Finance Corporation, 117-129
London & Lancashire Fire Insurance Company *v.* Tootal, Broadhurst, Lee & Company, 172, 173
London & Scottish Banking and Discount Corporation Limited, 75
Long, Walter, 209
Lorebum, Lord (Sir Robert Reed), 156, 224
Lowless & Co., 47
Lowther, Rt. Hon. James, M.P. *(see* Lord Ullswater)
Lush, Montague, 107, 141

M

Macdonald, Ramsay, 204
MacMaster, Mr., 251, 262
MacNaghten, Lord, 62, 63
Magdeburg, 27
Magniac, Mr., 51
Malcolm, Mr., 123
Mances, 88-90
Manhood Suffrage Bill, 221
March, The Earl of, 51
Marconi, Commendatore, 226, 227, 232, 234, 244, 263
Marconi's Wireless Telegraph Company, 226-273
Marienbad, 196-198, 221, 240, 274, 280
Markham, Sir Arthur, 83
Marks, 88-90
Marks, Frances *(see* Davis)
Mary, Queen, 200-202
Mason, A. E. W., 171, 195
Masterman, C. F. G. H., 206, 208
Mathew, Lord, Justice, 60, 64
Matrimonial Causes Act, 182
Matthews, Sir Charles, 51, 52, 90, 242
Maxse, Leo, 243, 254, 256
Maybrick case, 220
Mayo, Lord, and others *v.* Barker, 178
McKenna, Reginald, *76, 77,* 206
McNeill, Robert *(see* Lord Cushenden)
Melchett, Lord and Lady, 171, 280
Mendes, Mr., 14, 15
Mendoza, Aaron, 9
Mendoza, Daniel, 9, 24
Mendoza, Sarah, 9
Menlove, Mr., 148
Merrivale, Lord, 96
Mersey, Lord (Mr. Justice Bigham), 64, 88, 90, 91, 94, 106, 120, 123, 127, 172, 185, 223
Mersey, Lady, 94
Miller, Edgar, 137
Mills, Charlie, 174, 175
Minster, 161
Mond, Alfred *(see* Lord Melchett)
Mond,Eva (present Lady Reading), 171,280
Montagu, Edwin, 132
Montrose, Dowager Duchess of, 53
Mooney, Mr., 251
Morning Leader, 76
Morning Post, 94, 243, 275
Morris, Isaac, 148, 151, 152
Morris, Lord, 62, 63
Morten, Mr., 61
Mosely, Ben, 15
Mottistone, Major-General Lord (Colonel Seely), 224
Moulton,Lord (Fletcher Moulton, K.C.), 140
Muir, Sir Richard, 120, 175
Murray, Captain the Hon. Arthur, 263
Murray, Lord, of Ehbank, 170, 195, 206, 236, 258, 263, 264, 266, 267, 272
Mylms, E. F., Rex *v.,* 200-202

N

Napier, Lord, 201
National Review, 243, 246, 251, 254
Naval Prize Bill, 203
Neville, Mr., K.C., 140
Nevinson, H.W.,180, 181
New York Times, 225, 252, 247
Newmarket, 89
Newmarket Races, 87
Nobel's, 79
Norman, Henry, 244
Northcliffe, Lord, 164, 184
Northwick Terrace, 14-16

O

O'Brien, Hon. D., 227
O'Brien, William, 200
O'Connor, T. P., 197
Odgers, Blake, K.C., *76*
Oliver, Edwin, 239, 254
Olympic, S.S., 203
"The Only Brown," 220
Oppenheimer, Sir Charles, 93
Oppenheimer, Francis, 63, 93, 94, 109
Osborne case, 198, 199
Ouiton, Mr., 148
Oulton, W. H. S., 150
Outlook, 239, 242, 253, 254

Oxford and Asquith, Lord (Herbert Asquith), 71, 73, 134, 149, 150, 155, 156,168,169,192,193,199,205, 206, 210, 224, 231, 242, 249, 256, 262, 271, 275

P

Paine, Alfred John, 138, 139
Pall Mall Gazette, 83, 85
Palmer, George William, 129-132
Palmerston, Lord, 7
Pankhurst, Mrs., 221
***Pansy,* 25**
Pape, Bryce *v.*, 163, 164
Park Lane, 92, 110
Parker, Mr. James, 251
Parker, Lord, of Waddington (Mr. Justice), 246, 252, 253
Parliament Bill, 203, 204, 205, 231
People, The, 178
Petre, Hon. Mrs. Albert *{see* Lady Hawtrey)
Petrie, Sir Charles, 148, 152
Philadelphia, 116
Philadelphia Mining Exchange, 116
Phillimore, Lord, 172, 190, 264
Philpot, Joseph *{see* Arthur Ellis), 179
Phipps, Gerald, 28
Phipps & Isaacs, 60
Pickford, Mr. Justice *{see* Lord Sterndale)
Pilgrims Society, 20
Pitt, William, the elder, 7
Plural Voting Bill, 168
Poland, Henry, 44, 45, 48
Police Gazette, 174
Pollard, Mr., 51
Primrose, the Hon. Neil, 251
Prince's, 99
Provisional Collection of Taxes Bill, 274

Quebec, 7

R

"Ravenswood," 55
Reading, Lady *(nee* Cohen), 39-43, 45, 47, 56, 63, 64, 68, 69, 72, 94, 110-113, 134, 136, 142, 145, 146, 156, 177,187,194-196,198, 274, 279, 281
Reading, Lord (Rufus Daniel Isaacs)
birth, October 10th, 1860, 10
early years, 11
school at Gravesend, 12
school at Brussels, 13, 14
North wick Terrace, 14-16
University College School, 16
Belsize Avenue, 17-19, 29-31
voyage on *Blair Athole,* 20-25
Sir Clement Hindley on second visit to Calcutta, 25
Moscow House, 26, 27
visit to Holland, 27, 28
becomes Member Stock Exchange, 28, 34
boxing, 32-34
"hammered" on Stock Exchange, 35
studies for Bar, 35-37
meets Alice Cohen, 39-42
called to Bar, 42, 43
marriage to Alice Cohen, 43
10 Broadhurst Gardens, 43, 48, 55
honeymoon, 47
on circuit, 53, 54
Palace Court, Bays water, 63
Queen's Counsel, 65
Aix-les-Bains, 68, 69
contests N. Kensington, 72, 73
Bad Homburg, 93, 94
92 Park Lane, 110
Liberal M.P. for Reading, 113, 129-132
maiden speech, 142-144
Fox Hill, 145, 146, 156, 177, 194, 225, 278, 279
first car, 146
defends seat at Reading; re-elected, 156, 157
elected Bencher Middle Temple, 158
appointed Member Royal Commission on Divorce Laws, 182
re-elected at Reading for third time, 183, 184
Solicitor-General, 185
re-elected at Reading without opposition, 186
knighted, 194
32 Curzon Street, 195, 196
Attorney-General, 199
General election, 1909, re-elected for Reading, 199, 200
appointed Knight Commander of Royal Victorian Order, 202
Privy Councillor, 203, 204
included in cabinet, 1912, 224
Marconi episode, 226-273
Lord Chief Justice, 276-278
created a Baron, 278
Cases :
Allen *v.* Flood, 60-63
Archer-Shee case, George, 188-191
Barker *v.* Mayo and others, 178
Bayliss case, 104-106

Cases (continued):
Beall case, 74, 75
Bowles *v.* Bank of England, 274
Bryce *v.* Bryce and Pape, 161, 163, 164
Cadbury *v.* Standard Newspapers Ltd., 179-182
Chang Yeng Mao *v.* Bewick Moreing & Co., 139-140
Chetwynd *v.* Durham, 49-53, 138
Cole *v.* Ellis, 179
Denaby & Cadeby Main Colleries Ltd. *v.* Yorkshire Miners' Association, 140
Flood *v.* Jackson, 61-63
Grosse case, Heinrich, 211, 220
Hartopp divorce suit, 95-101
Hawke, H.M.S., and *Olympic*, S S., 203
Hooley *v.* Lawson, 137-139
Howden *v.* Yorkshire Miners' Association, 129-140
Krause, Dr. F., 81-86, 161
Lake George Gold Mines Ltd. *v.* Gibbs, Bright & Company, 129
Lever *v.* Associated Newspapers Ltd., 161, 164-167
Liverpool Bank case, 86-92
Lloyd George *v. The People*, 178-179
Moulton's case, Lord, 140
Osborne case, 198, 199
Rex. *v.* Henshall, 179
Rex. *v.* Mylius, 200-202
Rex. *v.* Sievier, 173-177
Rex. *v.* Sumner and Stevens, 179
Russell case, Sir Edward, 147-155
Schultz, Max, 203
Seddoncase, 211-220
Seligmann *v.* Duveen, 137
South Wales Miners' Federation *v.* Glamorgan Coal Co., 106
Star *v.* Chamberlain, 76-81
Suffield libel action, Lord, 92, 93
Taff Vale case, 95, 101-103, 159, 160
Titanic enquiry, 223, 240
Tootal, Broadhurst, Lee & Co. *v.* London & Lancashire Fire Insurance Company, 172-173
Whitaker Wright case, 116-129
Women's suffrage, case in connection with, 211, 222
Wood's case, Lieutenant, 167
Wyler and Ibo & Nyassa Corporation *v.* Lewis and others, 171-172
Young *v.* Isaacs, 47
Redmond, John, 200
Redmond, William, 251
Reed, Sir Robert *(see* Lord Loreburn)
Reform Club, 208
Renton, Major Leslie, 184, 186
Rentoul, Sir Gervase, 218
Richards, Whitmore, 76
Richardson, Mr., 148
Richmond, Duke of, 51
Riddell, Lord, 208
Ridley, Mr. Justice, 190
Rigoletto, 30
Rio de Janeiro, 21, 25-25
Roberts, Sir Herbert, 251
Roberts, Lord, 82, 83, 86
Robson, Sir William, K.C., 61, 62, 129, 156, 171, 198, 210
Romano's, 99
Rose, Sir Charles, 132
Rosebery, Lord, 71, 73, 135, 183, 204
Rowntree, Messrs., 181
Russell, Sir Charles, Q.C. (Lord Russell of Killowen), 51, 52, 59, 68, 279
Russell, Lady, 154
Russell, Lord, of Liverpool (Sir Edward), 147, 148-155
Russell, Mr., 123

S

Samuel, Viscount, 229, 230, 259-244, 250, 254, 256, 259, 263, 264, 269, 271
Sanders, Mr., 150, 151
Sands, Mrs., 96, 98-100
Sanger, "Lord" George, 104
Savoy, 99
Schartan, Miss, 104, 105
Schiller, F. P. M., 257
Schultz, Dr. Max, 203
Schwabe, Sir Walter, 66
Schwabe, Mr. ,257
Scott, Lord Justice, 172
Seddon, Frederick, 211-220
Seddon, Maggie, 214, 218
Seddon, Mrs., 212-220
Seligmann *v.* Duveen, 137
Shambles of Science, 105
Shand, Lord, 62, 65
Sharp, Thompson, 72, 73
Shearman, Montague, K.C., 175
Sherrard, 50, 52
Siberian Goldfields Developments Co. Ltd., 138
Sievier, "Bob," 173-176
Simon, J. A. (Viscount), 65, 178, 200, 202, 223

Simonds, The, 130
Smith, F. E. *(see* Lord Birkenhead)
Smith, Harold, 251
Soltykoff, Prince, 51
Somerset, Lord Arthur, 53
South African War, 70, 75, 81, 131, 155
South Wales Miners' Federation *v.* Glamorgan Coal Co., and others, 106
Southampton, H.M.S., 25
Spectator, 243
Spencer, Lord, 202'
Spicer, Sir Albert, 251
Spilsbury. Dr. (Sir Bernard), 215
Spinoza, 55
"Spy," 73
Squires, Emma (1), 11, 12
Squires, Emma (2), 11, 12, 57-59
Stamfordham, Lord, 201
Standard Corporation, 117, 118, 122, 123
Standard Newspapers Ltd., *v.* Messrs. Cadbury, 180-182
Star, The, 76-81
Stephenson, Guy, 120
Sterndale, Lord, 181
Stevens and Sumner, Rex. *v.,* 179
Stiles, 87-92
Strachey, St. Loe, 243
Strathpeffer, 177
Strauss, Mrs. Otto, 39
Suffield, Lord, 92, 93
Sumner, Viscount (J. A. Hamilton), 47, 172
Sumner & Stevens, Rex. *v.,* 179
Sutro, Alfred, 29, 195
Sutro, Esther *(ne'e* Isaacs), 29, 195
Suttons, The, 130
Swift, Rigby, K.C., 264
Sydney, Algernon, 36, 43, 45, 49, 65

T

Taff Vale Railway Company *v.* Amalgamated Society of Railway Servants, 95, 101-103, 131, 159, 160
Taylor, 60-65
Taylor, Captain Alexander, 20, 22-24, 26
Taylor, Sir-Francis, K.C., 149, 150, 152, 154
Taylor, Mrs. S., 98-100
Terrell, Henry, 251
Thomas, Abel, K.C., 102
Thomson & Grey, Messrs., 20.
Times, The, 25, 83, 116, 128, 173, 176, 258, 259, 272
Titanic, S.S., 222, 223, 240
Tobin, Sir Alfred. K.C., 172
Tootal, Broadhurst Lee & Company *v.* London & Lancashire Fire Insurance Company, 172, 173
Trades Dispute Bill, 168
Trades Union Bill, 203, 204
Treasure Island, 24
Tree, Sir Herbert and Lady, 208
Trevethm, Lord (Lawrence, A. T.), 51, 52, 138, 141, 165
Truth, 92, 93
Tuke, Mrs., 222

U

Ullswater, Viscount (Rt. Hon. J. W. Lowther), 51, 193
United Wireless Telegraph Company, 232-234
University College School, 16, 35

V

Valencia, 47
Van Gruisen, Albert, 47, 53, 54
Van Gruisen, Florrie *(nie* Isaacs), 29, 51, 47, 53, 54
Vanity Fair, 73
Vaughan-W llhams, Lord Justice, 94, 140
Vaughan-Wilhams, Lady, 94
Vonderahe, Mr. and Mrs., 212-218
Vowles, Mr., 92, 93

W

Walls of Jericho, The, 195
Walmer, 27, 161
Walton, Sir J. Lawson, 43, 44, 46, 54, 55, 61, 62, 96-99, 105, 107, 120, 123, 127, 129, 137, 156, 159, 171, 210
Waterhouse, Sir Alfred, 145
Waterloo, Battle of, 7
Watson, Lord, 62, 63
Weatherby, Messrs., 51
Welsh Disestablishment Bill, 209
West Australian Exploring & Finance Co.* 117
Western Union Telegraph & Cable Company, 233, 234, 237
White Star Lane, 22, 223
Wilcox, Dr. William, 215
Wilde, Ernest, K.C., 264
Willingdon, Marquess of *(see* Mr. Freeman-Thomas), 132

Wills, Mr. Justice, 102
Wilson, Charles, M.P., 95, *97*
Wilson, Captain Leslie, 199, 267
***Winning Post,* 174, 175**
Winterton, Earl, 247
Wireless Telegraph Co. (Marconi's), 226-273
Witley, 117
Wolfe, General, 7
Wood, Charles, 50, 52
Woods, Lieutenant, 167
Wrenbury, Lord, 119, 124
Wright, Whitaker, 115, 116-129
Wyler and Ibo & Nyassa Corporation Lewis and others, 109, 171, 172

Y

Yorkshire Miners' Association *v.* Denaby & Cadeby Main Collieries Ltd., 129, 140
Young *v.* Isaacs, 47