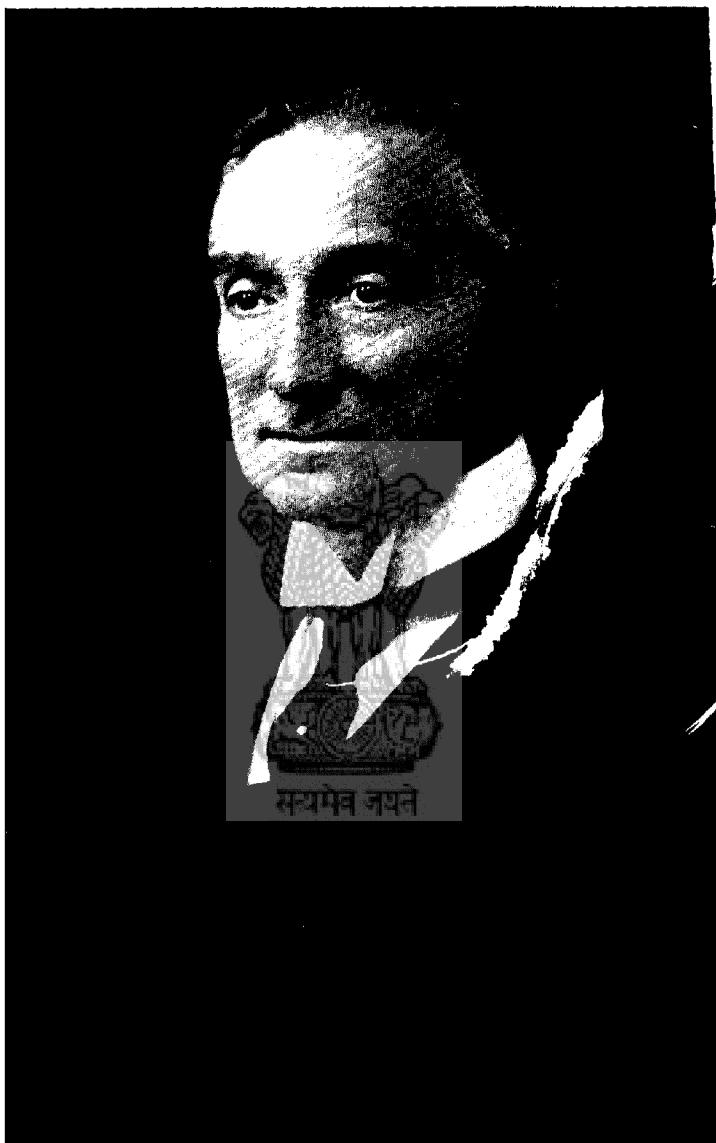


RUFUS ISAACS



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Russell

Rufus Isaacs, First Marquess of Reading

RUFUS ISAACS

FIRST MARQUESS OF READING

By
STANLEY JACKSON

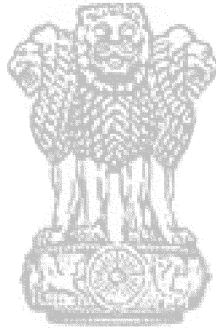
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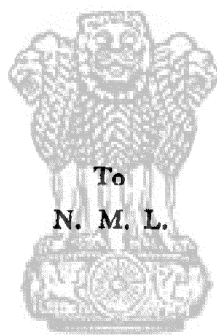
CASSELL
AND COMPANY, LIMITED
LONDON, TORONTO, MELBOURNE
AND SYDNEY

First published 1936



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Printed in Great Britain by
Greycaine Limited, Watford, Herts.
F20.336



To
N. M. L.

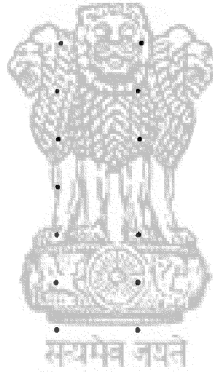
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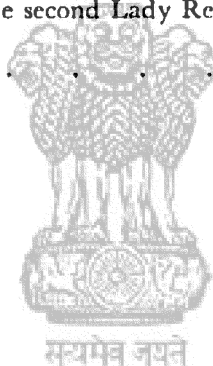


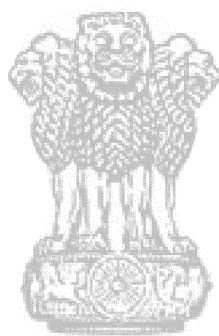


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RUFUS ISAACS

CHAPTER I

APPRENTICESHIP

FEW professions attract a more motley band of aspirants than the Bar. The students' dining-tables at the Inns of Courts have always been rich in human contrasts. Here are lean Indians with blurred furry voices and a staccato manner; upright, squarely built young Saxons half-heartedly gratifying a paternal whim; doctors seeking in the Bar a stepping-stone to a snug Coronership; men in the Colonial Service fitting themselves for promotion; scions of the Oxford Union reading Law with an eye to Hansard; journalists, accountants, business men. . . . A cross-section through this varied material would, however, show uniformity in one respect—education. The Bar students are, almost without exception, public school men or 'Varsity graduates, or both.

In 1884, a young Jewish stockbroker joined the ranks of the forensic acolytes. Rufus Isaacs came to the Bar a desperate man. Quick-witted and ambitious, he had sought to make an early success on the Stock Exchange. The City had offered excitement, the spice of uncertainty and the chance of rapid prosperity. A city crisis, a sudden outcrop of claims, and Rufus Isaacs found himself in the position of a defaulter. He was at the Bar five years before being in a position to pay his creditors in full.

Rufus Isaacs entered the Middle Temple without a Union reputation and with no store of classical culture.

His ill-fated adventure in the City had depressed and saddened him, but it had also left him a tidy mind and a sound knowledge of business routine. Young, strong-fibred and desperately sure of himself, he was soon convinced that he was not a failure in essentials. By working indefatigably he succeeded in satisfying the examiners and qualified for the Bar. Untrained in the scholastic tradition and with no taste for academic subtleties, he failed to distinguish himself in the examinations, and there is no record of any capture of honours or prizes.

If there was little in the Bar student to suggest a future Lord Chief Justice, there was even less indication that the child was the father of the Viceroy. Rufus Daniel Isaacs was born on October 10, 1860. He came of Jewish middle-class stock. His father was a prosperous City fruit-broker, whilst his uncle, Henry Isaacs, was to become Lord Mayor of London. He also inherited the commercial tradition on his mother's side. Rufus Isaacs's mother was a beautiful and accomplished woman with a deep sense of religion. She was destined to exert a powerful influence on her son's career at a most critical stage.

Family clannishness has always been the strongest feature in Jewish life. Inheritance and filial affection dictated that the three sons of Joseph and Sara Isaacs should succeed their father in the rapidly expanding family business. The parents began to plan. A Jewish preparatory school, a London day-school and a few years on the Continent "for languages," and Rufus would be fitted to commence life as Jew and man of business.

But Rufus Isaacs soon dislocated the ready-made parental schemes. At an early age he and his elder brother, Harry, were sent to a preparatory school kept by the Rev. A. P. Mendez. The two boys were on excellent terms and were soon bound more firmly by the freemasonry of mischief. An early school friend remembers

Rufus as a handsome sturdy lad with great vitality and a fund of high spirits. So successful were the brothers in their efforts to relieve the tedium of school hours that Mr. Mendez asked to be relieved of his responsibilities. Rufus and Harry were locked in a room to await the arrival of their parents. Instead of conferring with a view to forestalling the parental ire, the two little boys decided upon a spectacular exit. When Mr. and Mrs. Isaacs arrived they were surprised to see their offspring hurling the headmaster's furniture out of the window.

It was now decided that Rufus and Harry might separate with advantages to both. The former was therefore sent to school in Brussels. On his return, in 1873, he went to University College School, which then occupied small premises in Gower Street. Although intelligent and alert he scored no successes in the school-room, but enjoyed romping in the asphalt playground behind the engineering shops.

Rufus Isaacs was not the boy to relieve his urge for the rough-and-tumble in legitimate hours of leisure. After a short period in Hanover studying languages, he returned to England, reflecting on the distastefulness of an office stool. His restlessness and vivid imagination soon merged into a wild plan of escape.

He decided to run away from home. Within a few days he had signed on as ship's boy on the *Blair Atholl*, bound for Brazil and India. The gay adventure soon became a period of hard drudgery. Rufus's duties were various, and consisted in polishing brasswork, scouring the deck and, least congenial to the Jewish lad, cleaning out the pigsty. At last, however, the boy was rewarded for the hard discipline and monotony of the voyage. Early one morning the ship nosed her way down the Hooghly. Rufus stood at the capstan head and helped to heave his small weight at the capstan bar. "Good-bye, Calcutta," sang the crew. "Good-bye,

Calcutta," thought the boy, "I shall return, but not on the forecastle head."

This well-known exploit of the future Lord Chief Justice and Viceroy has given rise to some popular misconceptions. The public eye for the flamboyant has elevated a boyish escapade to an entirely unmerited significance. "From Cabin-boy to Viceroy," seems to be in the direct line of succession to "From Log Cabin to White House." There is a widely spread belief that Rufus Isaacs was born of poor Jewish parents and, like some hero of old, turned to the sea for fame and fortune. Nothing could be further from the truth. The sea offered an escape from a ready-made prosperity and the routine of commerce. The boy's adventurous spirit found no solace in the vicarious thrills of literature. Cramped by the affectionate insistences of his parents, too individualistic to vent his craving for action in organized sport, the restless imaginative lad turned to the sea.

Seen purely as the adventure of a rebellious boy the exploit does, nevertheless, throw light on Rufus Isaacs's character. Going to sea had offered uncertainty and excitement. The same craving for romance and danger led him to the Stock Exchange. Although there was as yet no sign of outstanding ability, Rufus had displayed rare independence of thought and physical courage. He had proved himself adaptable and quick-witted and had willingly bartered a year or two of book knowledge for a wider study of humanity.

Instinct had warned Rufus Isaacs against a life of humdrum prosperity. A short period as agent in Magdeburg for his father's business convinced him. The daily acquaintance with new problems sharpened his wits. He became self-reliant and gained a knowledge of the workings of the accountant's brain. Thus equipped, he had determined to explore the exciting possibilities of the City.

His failure on the Stock Exchange did not dovetail neatly into the ancient rite of keeping terms as a Bar student. His decision to read Law disconcerted his father. The Bar is a notoriously precarious profession, and Joseph Isaacs feared that his son would be handicapped by racial difficulties.

Oppressed by the shadow of his recent failure, irritated by his father's reluctant approval, Rufus Isaacs decided to make his fortune in the New World. And it was on the quay at Liverpool, ready to ascend the gangway, that his mother found him. She pleaded with him to stay, promising him his parents' support if he still wished to read Law.

Rufus Isaacs was nearer thirty than twenty when he was called to the Bar. He had entered late for the race, and had come without the conventional academic training and legal connections of most young advocates. But volcanic soil is fertile. Rufus Isaacs was far more mature than the half-apologetic, half-pedantic young men who nursed reluctant moustaches and bandied epigrams.

The young advocate's career invariably begins with a short period as a pupil in Chambers. It is here that he learns the educational value of "devilling."

Rufus Isaacs first went as a pupil into Sir Harry Poland's chambers. The veteran was an exceptionally capable advocate and a humane man. In Court he showed great skill in presenting facts and was always scrupulously fair to opponents. He was somewhat of a martinet and never allowed smoking in the robing-room at the Old Bailey. Hard-working and conscientious himself, he always reminded pupils of his own rule: "Never come to the Temple later than 10 a.m., and never leave it before 6 p.m."

Rufus Isaacs proved an excellent pupil. Years later Poland was to pay tribute to the young man's personal

charm and capacity for hard work. Soon after leaving Poland's chambers Rufus Isaacs was admitted to the chambers of Lawson Walton, a future Attorney-General, and a cousin of Archibald Bodkin. Lawson Walton, who was a Liberal—like his pupil—proved a most satisfactory mentor. A man of cultivated tastes, he had filled his chambers with rare engravings, costly china and fine prints.

It was under Lawson Walton's friendly eye that Rufus Isaacs began to apply himself to his briefs. There is no short cut to success at the Bar. It is a profession which calls for knowledge, great intellectual grasp, and hard work. No man, however rich, can purchase a practice at the Bar. Log-rolling may bring a brief or two, but a steady practice can only be developed by energy and ability.

The first year or two at the Bar are of great importance to the young advocate. Methods are developed, technique is acquired and the pupil is familiarizing himself with the equipment of a busy advocate. This probationary period is, however, something more than a technical training. It is in many respects a test of character. The pupil will look up points for others and may study one or two of the leading advocates of the day. It is an inevitable, unremunerative drudgery, and time often hangs heavily. Not a few young advocates have frittered away the valuable days in wayside flirtations—art, letters, music, politics.

Rufus Isaacs never deviated from a severe self-imposed regimen. He would retire at 9 p.m., get up at 4 a.m. and master his briefs before breakfast. In all his years at the Bar, Rufus Isaacs never departed from this system. Lawson Walton soon singled out his pupil's skill in arranging and narrating facts. The former stockbroker combined a rare mastery of figures with the gift of elucination. He read hard and zealously smoothed the contours of his advocacy. He took great pains with the

preparation of his briefs and never returned a set of papers until he was completely satisfied.

• Rufus Isaacs had married in his first year at the Bar. His bride was Alice Cohen and their union was to be one of perfect harmony and felicity for over fifty years. Although Rufus Isaacs was making satisfactory progress, his young wife now played a great part in his ultimate success. The ordinary round of guinea briefs was proving irksome to the young advocate. Petty debts and petty crime, the clinical experience of the legal neophyte, were a disappointment. Rufus was growing impatient and seriously considered abandoning the Law. His wife now encouraged him and urged him to patience. The wisdom of her advice was soon to be proved.

Rufus Isaacs never made the mistake of preparing small cases carelessly. He soon discovered that he needed no audience and could face a situation with complete objectiveness. He was as effective before an apathetic magistrate and one or two ox-eyed constables as in the High Court. There were times when he was given sketchy instructions and had to rely on his powerful instinct for fact. His knowledge of business frequently assisted him to make briefs from the other party's straw. His flair for the mysteries of statistics was beginning to impress judges. Many experienced Counsel act as mouthpieces for questions without understanding first principles. Rufus Isaacs's specialized knowledge of business gave him a great advantage over his competitors. His cross-examination did not hang fire while he waited for questions whispered from behind.

These qualities did not fail to impress instructing solicitors. On one occasion Rufus Isaacs was fortunate enough to catch the eye of the great Sir George Lewis. It was a High Court case, but one of minor importance. The famous solicitor had wandered by chance into the Court where Rufus Isaacs was arguing a point of law.

The young man displayed a comprehensive grasp of financial detail and was making his points with energy and clearness. The experienced solicitor quickly took in his neat dress and his charm of manner, and turned to an acquaintance: "Who is that young man?" he asked. "He knows what he is talking about, and I like his style." "That's young Rufus Isaacs," was the reply. "He's going to do big things one day." Sir George Lewis nodded and noted down the young man's name.

In 1889, Rufus Isaacs received his first big brief, the famous Chetwynd-Durham Jockey Club Arbitration. The case was the climax to a series of ugly rumours. In a sport where horses are gambling counters, there will always be an element of roguery. In the late 'eighties the Turf was in a most unhealthy condition. Precious trickles of information percolated through the stables, horses were "pulled," stable-lads were bribed and many jockeys ran horses in their owners' names.

Matters came to a head on December 13, 1887, when Lord Durham, a Steward of the Jockey Club, made a speech at the Gimcrack Dinner at York. "No owner of horses," he said, "ought to put up any jockey suspected, 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 jockey in the race, and thus ensure the victory for his mount if he has backed it. I consider such policy on the part of owners to be a direct encouragement to malpractice on the part of jockeys. . . . 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, besides losing them their money; it has driven the handicapper to his wits' 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 racing. But the darkest part of the matter is this—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. If you wish to purify the Turf you must go to the fountain head."

Lord Durham had mentioned no names, but most racing people identified the owner alluded to as Sir George Chetwynd, and the jockey as Charles Wood. Sir George was known to depend on the Turf as his principal source of income, whilst Wood's name had long been the object of thinly-veiled insinuations.

All doubt as to the allusion was removed by Lord Durham himself, who repeated his charges to the Jockey Club. In the course of his letter he had stated: "The horses in Sherrard's stable (at Chetwynd House) have shown constant and inexplicable changes of form, and Wood, the jockey in the stable, has been in the habit of pulling them. I also accuse Sir George Chetwynd of having connived at serious malpractices which are contrary to the rules of racing."

This letter could not be ignored. Chetwynd had been forced into the arena and now claimed £20,000 damages for libel. From Durham's "particulars of justification" it was apparent that a verdict in his favour would drive the plaintiff from the Turf and strike a death-blow at his honour. The defendant's charges came under two heads: firstly, that Chetwynd employed Wood to pull horses in order to obtain larger odds when the horses run failed to win. In this connection Lord Durham referred

specifically to the erratic form of a horse called Fullerton. Secondly, that he had connived at serious malpractices contrary to the rules of racing. Under this head fell the allegation that Wood was the real owner of horses nominally bought by Sherrard, Chetwynd's trainer, and that the plaintiff must have known this.

From the complicated nature of the charges and the seriousness of the issue it was evident that the case would be hard fought and protracted. Sir Henry James (afterwards Lord James of Hereford) appeared for the plaintiff, and with him, Mr. Pollard, Mr. A. T. Lawrence and Rufus Isaacs. Sir Charles Russell led Charles Mathews for the defence.

This case was of considerable significance in the career of Rufus Isaacs. It meant something more than a welcome interlude in the procession of police and County Court cases. He acquired invaluable and essential experience behind the scenes. Night after night he sat analysing the form of racehorses from "Ruff's Guide." He was aware that James would not entrust a junior with active advocacy and this made him more anxious to prime himself with the technical details which formed the core of the case. It was a prudent course and subsequently earned him the approval of his leader. The case also gave him a first-hand acquaintance with the most brilliant advocacy of the day. Both leading Counsel were at that time engaged in the Parnell case and were at the head of the profession. Russell, a future Lord Chief Justice, united a magnificent Court presence with great oratorical gifts. His sonorous voice and powerful eloquence held judge and jury. Although sometimes a little too vigorous in cross-examination, he was acknowledged to be the greatest all-round advocate of the day. Mathews, who was slightly-built and effeminate-looking, had inherited dramatic talent. He was to become a much-feared Director of Public Prosecutions. James was a forensic giant, thorough, erudite, penetrative in

cross-examination. Not the least interesting figure in this array of talent was Rufus Isaacs's fellow-junior, A. T. Lawrence, who, as Lord Trevethin, was to succeed his learned friend as Lord Chief Justice in 1921.

The case opened in June, 1899, in the Queen's Bench Division. Owing to its technical character it was submitted to the Arbitration of the Jockey Club Stewards, Hon. James Lowther, Prince Soltykoff and the Earl of March. The Court was crowded with prominent Social and Turf personalities and many were refused admission.

James opened the case with a forcible narration of the facts. He put Sir George Chetwynd into the witness-box and elicited a stout denial of the various charges. Russell handled the plaintiff with great skill. With a few quiet, but pointed, questions he proceeded to discredit the witness.

"Did you hear that Walton [a heavy punter] had paid large sums of money to Wood for information about this mount?" asked Russell quietly.

"No," replied Chetwynd.

Speaking with great distinctness, Russell repeated the question.

"Well," replied Chetwynd slowly, "I heard something about a race in which Wood rode."

"Do you say that you never heard that Walton had paid considerable sums of money to Wood?"

"I only heard one instance."

Russell took up a paper. "What was the amount which Wood received on this occasion for his information?"

A deep hush had fallen on the Court.

"I do not remember," murmured Chetwynd.

"Was it hundreds or thousands?" said Russell grimly.

"Oh, hundreds."

This stringent cross-examination continued for five days. Russell ranged easily over a wide area of investigation. More than one question was an indirect suggestion

that Chetwynd had countenanced the in-and-out running of Fullerton at various meetings.

Sherrard, the trainer, was followed into the box by Wood. James was on dangerous ground and wisely contented himself with generalizations. His examination of a somewhat stiff witness was an epic of lucidity and force.

"Did Sir George Chetwynd ever suggest to you that you were to ride Fullerton or any other horse unfairly?"

"No, most certainly not," replied Wood dourly.

The jockey stolidly denied pulling horses or being ordered to do so by his employer.

Sir Charles Russell began his cross-examination with great directness. A masterly tactician, he avoided preliminary sparring with Wood and attacked with grim gusto.

"I suppose you will be prepared to say that you always ride your horses to win?" was his opening question.

"Yes, Sir," cried the jockey.

"And if, unfortunately, it be the case that you have acquired an evil reputation, you have done nothing to deserve it?" continued Russell.

"No, Sir."

Russell now began to question the witness as to the presents he had received for supplying information. By dint of merciless probing, Counsel turned the jockey's natural taciturnity into seeming evasiveness.

Counsel now made great play with Wood's financial affairs. With the jockey's bank pass-book in his hand, Russell questioned him closely as to various entries. Each question was barbed with a suggestion that Wood owned horses and that the entries referred to purchase prices. The first day of the cross-examination ended on a note of menace. "We have now arrived at the hour of adjournment," said Russell, "and I warn you, Wood, that tomorrow I shall ask you what were the circumstances attending the purchase of Yardley, Victorious Chief, Bard of Erin, Cliftonian, Allegro and Beaumont." That day not

only the spectators, but the parties to the dispute left the Court in subdued silence. It was impossible to ignore Russell's assurance. The name of each horse, so deliberately spoken, carried in it the rumble of distant thunder.

The following day the cross-examination took a dramatic turn. Asked to produce his betting-books for 1885-86-87, Wood stated that he had only that for 1887, having destroyed the others.

"Were you not the owner of Cassmere?" demanded Russell.

"No, Sir."

"That you swear?"

"I swear."

"Did you give Mr. Sherrard the money to pay for it?"

"No, Sir."

"Are you sure?" said Russell, raising his voice.

"I should say almost certain."

"Will you undertake to swear it?" asked Russell relentlessly.

"I will undertake to say that Sherrard did not come to me for the money."

Counsel now turned to the large sums which the jockey had paid the trainer. Wood declared that they were for bets.

"Do you swear?" insisted Russell.

"It is impossible for me to swear," cried Wood. "Sherrard might say, 'Let me have £336 or £346' and I would let him have it in a minute, and I would never ask him what he wanted it for."

Russell opened the defence with a salvo of damaging testimony. He first called Lord Marcus Beresford, the official starter of the Jockey Club.

The witness declared that at the York August meeting in 1886, he had noticed that Wood was not trying, on Monsieur de Paris. Amid a tense silence, Lord Marcus

proceeded to describe Wood's riding of Fullerton at Kingston Park in 1877. "When they had arranged themselves in line," declared the witness, "I saw Wood not in his accustomed place on the inside, but in the middle. . . . I could not get him off at all. I had 8 or 10 goes and Wood was never near his horses." The witness paused. "I had to speak to him. His horse was full of go. When they started, his horse kept right back, and at the end of the first hundred yards I should think there were 50 or 60 yards between the leading horse and Fullerton. . . . Most certainly, to my mind, Wood was not trying."

"What is Wood's general reputation on the Turf?" asked Russell smoothly. James was at once on his feet objecting to the question. The Arbitrators, however, allowed it, and Lord Marcus answered with conviction. "With nine out of ten men, Wood had the worst reputation as a jockey."

"In what way?"

"For pulling horses."

Major Egerton, the official handicapper of the Jockey Club, declared that he had noticed the in-and-out running of horses in Sherrard's stable, especially Fullerton. Under cross-examination, however, he readily agreed that Chetwynd had informed him that Fullerton was not fit in 1886. "A very proper action," declared Major Egerton.

Lord Durham, who gave evidence, categorically affirmed his accusation, whilst corroborative testimony was offered by the Hon. George Lambton and the Duchess of Montrose.

One of the most important witnesses in the case was, however, a stable-lad and jockey named Sydney Howard. He declared that Sherrard had told him not to trouble about getting Fullerton off in the Goodwood Stewards' Cup. Similar instructions, he said, were given him for the Chesterfield Cup. Those in Court listened tensely as the stable-boy gave his critical evidence. "He (Sherrard) told me to ride the same as I had done in the Stewards'

Cup," he said nonchalantly. "I got off badly, came wide round the turn, and am certain that I could have been second; possibly I could have won."

Rufus Isaacs had been fascinated by Russell's cross-examination. He was now to catch a vivid glimpse of James at his best.

James discredited this important witness with great skill. The stable-boy was closely questioned as to the presents he had received for giving information to professional punters. Counsel quickly showed that Chetwynd could not be implicated in Howard's activities.

"Did you see Sir George Chetwynd after the Stewards' Cup, and tell him that the horse had run very well, or give him the slightest reason to suppose that you had pulled Fullerton?" demanded James sternly.

"I did not."

"After the Chesterfield Cup, Sir George Chetwynd came up to you." Counsel looked directly at the witness. "Was he not angry with you?"

"He came up in a rare temper," agreed the witness.

"Did he say anything."

"I do not think he did."

"Did he not ask the question, 'Why did you not try the horse right out?'"

"I do not remember," was the unsatisfactory reply.

After heavy thrusting James forced a valuable admission from the witness.

"Was it your own idea pulling the horse out wide at the turn?"

"Yes," replied the boy, "because the horse was going so well."

Russell's eloquent final speech was received with applause by those in Court. Each point was driven home with great force. He urged that Fullerton had not been run to win in one year so as to obtain a better handicap the following year. Chetwynd must have known, according

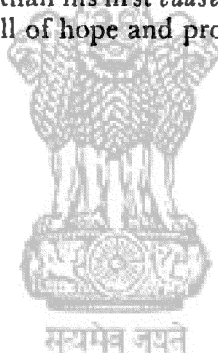
to Russell, that Howard had been instructed "not to trouble," about certain races. The great advocate's last observation made a profound impression upon those in Court. His voice dropped to a sorrowful whisper. "Sir George had got into such complications with his trainer and his jockey that he was led into transactions from which in happier circumstances he would fairly have recoiled."

Sir Henry James followed with a vigorous and moving speech for the plaintiff. He refuted the suggestion that Fullerton's running was suspicious, by reminding the arbitrators that, in 1877, Chetwynd had lost over £1,000 by backing him. Counsel rightly reminded the Court that it had not been proved that Chetwynd knew of Wood's activities. Sir Henry effectively contended that the defence had relied overmuch on what Chetwynd "must have known," a very different matter. The speech concluded with an eloquent appeal on behalf of the plaintiff. "On you," said James, "there has been cast a responsibility as great as ~~ever~~ fell on any man, be he judge or be he not, for there is entrusted into your hands whether there shall be sunshine or shadow for the remainder of his days over the head of one of your fellow men." The advocate paused dramatically. "I am certain that the result will be that my client will pass away from this Court—no man to shun him and no man to condemn him for having done anything that could be considered unbecoming or unworthy of a gentleman."

It was a brilliant speech, but James had fought a losing battle. As the case was decided by arbitrators there was no summing-up. On the first charge, of having ordered jockeys to "pull" his horses, the arbitrators found for the plaintiff. Sir George had asked for £20,000; he was awarded one farthing. On the charge of having connived at serious malpractices, the arbitrators found in favour of Lord Durham.

The case had been painful for both parties, but Lord Durham had gained his point. The prestige of the Jockey Club stewards was increased and, for a time at least, the atmosphere of the Turf was disinfected.

To Rufus Isaacs the case was one of great significance. He had had a share in sifting the evidence and taking notes in Court, in fact in all that calm spade-work and helpful robe-tugging which lay behind James's advocacy. To the young advocate the Chetwynd-Durham racing suit was something more than his first *cause célèbre*. Henceforth the future seemed full of hope and promise.



CHAPTER II

ADVANCE

SPEAKING of his old pupil's rapid rise Lawson Walton once observed, "He is the only man I know who had not had to go through the grind of Quarter Sessions and County Court, like the rest of us."

The round of guinea briefs had irked Rufus Isaacs. After only a year or two at the Bar, however, he had laid the foundations of an extensive and lucrative practice. He was only thirty-seven years old when he became Queen's Counsel. In ten busy years he had so far consolidated his position as to command an income of £7,000 a year.

The career of a great man viewed in retrospect always wears an air of inevitability. The qualities of the hero seem to dovetail so neatly into each other that the observer views a panorama of certain triumph. Rufus Isaacs's sharp and varied experience had endowed him with shrewdness, a capacity for hard work, and an eye for detail. It must be conceded, however, that his abilities were peculiarly adapted to the scene of their display.

While the young advocate sat waiting for briefs, men like Mr. Justice Mathew and Mr. Justice Bigham were creating the Commercial Court. Business men had long complained of the tardiness and expense of legal procedure. The reformers introduced a new spirit into the system and succeeded in placating the City. Procedure was extricated from its strait jacket and business men began to regard the Commercial Court as a place where mercantile matters could be discussed in a business-like manner.

Solicitors quickly perceived the possibilities of the young advocate whose knowledge of business routine rested so firmly on skilful pleading. Rufus Isaacs made no dramatic appeal but relied on a sound knowledge of the business man's psychology. His was not the power to snatch a verdict from a hypnotized jury, but clients saw that he excelled in making practical settlements. Persuasive rather than forceful, at once subtle and lucid, Rufus Isaacs proved himself a natural mediator.

Full-blooded rhetoric and dramatic appeal lay outside his range. Lithe and supple advocacy came more naturally to him. Lacking the two-fisted oratory of a Carson, and the persuasive eloquence of a Marshall Hall, he nevertheless developed into a great forensic personality. Suave and well-dressed, smooth and sedative, he was the perfect exponent of the legal bedside manner. His handsome, chiselled features and slim, taut figure became familiar to solicitors, whilst witnesses paid tribute to his extraordinary charm of manner. In cross-examination he did not bully the man in the witness-box but coiled himself about him. Suave and enticing, he led the victim to his doom with perfect taste. Witnesses did not tremble before him. He used the scalpel with great efficiency, but also with great charm. Coaxing, never terrifying, patient yet ruthless in cross-examination, Rufus Isaacs could prise open balance-sheets with a few well-timed questions.

His patience with impertinent witnesses was inexhaustible. Calm and easy in manner, Rufus Isaacs was, nevertheless, alert for the decisive improvisation. On one occasion, a truculent witness was being studiously rude. Rufus Isaacs continued to smile pleasantly, but suddenly interrupted the man: "Do you drink, Sir?" he asked evenly.

"That is my business," snapped the witness.

"Yes," murmured the advocate, "but have you any other business?"

Rufus Isaacs never craved the balm of "Laughter in Court." His infrequent sallies were always relevant and free from malice. He never believed that cross-examination means examining crossly, and rarely left a witness with a sense of grievance. This was amusingly illustrated on one occasion. A well-known surgeon, whom Rufus had cross-examined a few days before, approached him in the street with a rueful smile. "I dreamed about you last night, Mr. Isaacs," he said. "You have been a nightmare to me. I have hardly slept a wink since you let me out of the box. I dreamed you had examined me, and I seemed to have nothing on except bones!" Both men laughed, and it was evident that the unfortunate witness had an ungrudging admiration for this forensic surgeon.

Rufus Isaacs possessed the valuable gift of making judicial friends. He flattered judges by his graceful submission when in the wrong, but was never afraid to assert his independence. His imperturbable assurance had a dash of charm which captivated the grimmest members of the Bench. One day he appeared in the Court of Appeal, the cold atmosphere of which exactly suited his method of exposition. The Master of the Rolls, Lord Esher, sat that morning with Lord Justice Vaughan Williams, and the two veterans prepared to play an old trick. More than one young advocate had disturbed their dignified serenity with rambling and incoherent argument. They were in the habit of pricking the inflated speeches and startling the young men into relevance. The Bench was now to receive a pleasant shock. Rufus Isaacs treated each interruption good-humouredly, capped it with relevant cases and resumed his carefully prepared argument. That day, just before the adjournment, Lord Esher leaned towards the advocate and said: "The Court desires me to thank you, Mr. Isaacs, for the manner in which you have put your case." The dry twinkle in the

judicial eye showed how much lay behind the formal tribute.

In his last five years at the Junior Bar, Rufus Isaacs developed a lucrative practice. His grasp of essentials and his flair for practical settlements were making his name known in business circles. Not all his cases, however, commanded public attention. Commercial actions do not offer the dramatic interest of Criminal trials unless they involve public personalities or great financial interests. Moreover, the busy young junior finds that his work largely consists of giving opinions or advising on evidence. Much of Rufus Isaacs's work at this time was done in his chambers or in the Conference room. To this period, however, belong two cases which illustrate the miscellaneous character of his practice.

The first of these cases ran the gamut of our Civil Courts. A breach of contract was discussed in the Queen's Bench Division and became a leading case in the House of Lords, by way of the Court of Appeal. The case of *Allen v. Flood* arose out of a Trade Union squabble. Two shipwrights, Taylor and Flood, were engaged in the repair of a ship, the *Sam Weller*. Now the Boilermakers' Union strongly objected to the practice of employing shipwrights to work on iron. The London delegate of the Union, one Allen by name, heard of the *Sam Weller* matter, and informed the repairing company that if Flood and Taylor were allowed to continue, the ironworkers would be called out on strike. Thus threatened, the company discharged Flood and Taylor. The latter, clearly supported by their Union, then sued Allen for damages.

The dismissal clearly involved a question of principle. It is an actionable wrong knowingly to induce a person to commit a breach of contract. The point now at issue was whether Allen could be made liable for intimidating and coercing the employers to dismiss Flood and Taylor,

an act which was not in itself a breach of contract. In other words, does the existence of a bad motive in the case of an otherwise legal act convert that act into an illegal one? The point was obviously of great importance and, as Allen was also supported by his Union, the stage was set for a well-contested legal struggle.

Lawson Walton, Q.C., led his former pupil, Rufus Isaacs, for Flood and Taylor, whilst Mr. William Robson, Q.C., led for the defence. Rufus Isaacs opened the case before Mr. Justice Kennedy and strongly submitted that, as Allen was actuated by malice, he was liable. He ranged easily over the case law on the subject and his leader continued the argument. After hearing the lengthy arguments on both sides the Judge found for the plaintiffs and awarded £40 damages. The first round had been won by the Shipwrights, but the case involved a principle, not damages, and the defendants appealed.

Lawson Walton and his learned junior again put their case to the test, and with equal success.

The defence now took the case to the House of Lords. The battle was contested with the utmost vigour and learning on both sides. Rufus Isaacs's acquaintance with the mass of case law was extensive, and his leader showed his confidence by allowing him to argue more than one point before this august tribunal.

In the end, the persistence of the defence was rewarded and another leading authority was added to English case law. Thus, through the London delegate of the Boilermakers' Union, it was laid down that a bad motive alone does not create civil liability!

The case was first argued in March, 1895, but it was not until two years later that the Law Lords gave their final decision. For Rufus Isaacs the long struggle had been an invaluable experience. His researches into the Law of Contract had familiarized him with some of the knottiest legal questions. He had taken a prominent part

in highly technical arguments, but above all he had been fortunate enough, at the age of thirty-six, to address the highest Court of the land.

Oddly enough, the other important case which belongs to this period also concerned a Trade Unionist. This action, however, attracted much more public interest than *Allen v. Flood*. The central figure was a well-known public man, Mr. Havelock Wilson, M.P., general secretary of the Amalgamated Seamen's and Firemen's Union. The action arose out of a series of articles published in the *Evening News* which accused Mr. Wilson of incompetence, if not corruption. The Union had been formed for the purpose of improving the condition, protecting the interests, and promoting the general welfare of seamen. If what the newspaper suggested was true, the secretary had sought primarily to improve his own condition. The first article headed "A Financial Scandal" was not lacking in candour. It began as follows: "Five months late the National Amalgamated Seamen's and Firemen's Union issued a statement of receipts and expenditure for 1892. A document of greater financial effrontery we have never seen. It appears that the enormous sum of £29,141 was received and that of this no less than £28,283 was disbursed in a reckless, wasteful, extravagant, mysterious and unintelligible way." Another article stated that the balance-sheet showed the organization to be "simply sound, like a drum—empty, and only making a noise when struck." Finally, the writer had gone beyond generalizations: "If J. H. Wilson, M.P., thinks the incompetency which he has displayed in the management and affairs of the Sailors' Union is to be tolerated for ever he is very shortsighted."

Wilson could not afford to ignore this challenge. He was a prominent figure in the Trade Union movement and the year previously had almost brought about a national strike. He now claimed £7,000 damages for the alleged

libel and briefed Bernard Coleridge, Q.C., and Rufus Isaacs. The *Evening News* pleaded "fair comment on a matter of public interest," and their solicitors enlisted the powerful support of Edward Carson.

The case was heard by Mr. Justice Grantham, at the Guildford Assizes in July, 1893. When Mr. Coleridge rose for his opening speech the Court room was filled with many friends and well-wishers of the plaintiff. The case had attracted the attention of the whole Labour movement and, as he entered, Mr. Wilson nodded pleasantly to Keir Hardie, William Allen and Tom Mann.

Mr. Coleridge and his junior had prepared the brief with great thoroughness, and Rufus had spent many hours mastering Trade Union law and intricate accounts. He had shown his usual grasp of detail, and his leader now opened the case with great confidence. They were both happily unaware of the fate in store for their client. Coleridge denied the truth of the allegations and solemnly twitted the defendants with not attempting to "justify" their allegations. As events proved it was an invitation which was to be accepted with alacrity.

Havelock Wilson entered the witness-box with an air of self-confidence. He gazed round at the benches filled with colleagues and sympathizers, and was more than once rebuked on this account by the Bench. His evidence came trippingly from the tongue. He had himself founded the Union in 1887, and had at first acted gratuitously. Later he had received a salary of £250 a year. He declared that he had had little to do with the funds and had concerned himself chiefly with policy.

Rufus Isaacs was now to secure a first-hand picture of Carson in action. The two men had never before met in Court and Rufus now learned something of the advocate who was destined to become his most powerful forensic rival. With his enormous physique, bushy eyebrows and aggressive manner, Carson made a dominating figure.

His cross-examination began with an extraordinary frontal attack.

"You say in your declaration, in your sworn declaration, that at Bristol the expenses of your election had been £400 odd?" asked Carson.

Wilson nodded in agreement.

Carson brandished a paper. "Yet in the balance-sheet," he observed dryly, "there is £500 odd donated by the Union for the expense at that very contest."

"Yes," murmured Wilson. "I cannot explain that."

Carson pointed a lean accusing finger, a gesture which had horrified more than one witness.

"Is it not true, Sir," he said slowly, "that the balance-sheet is a piece of financial effrontery?"

"No," replied Wilson naively. "I have seen other Trade Union statements of account which were not half as clear as this."

Carson did not join in the laughter which greeted this response. "Can you suggest why £19,000 should be spent on management and £5,000 in benefits, £2,000 of which went in law costs?"

"No."

"Is there a word of detail as to these legal expenses?"

"No."

Next day, Carson passed to the book of rules of the Union. "Is there any rule authorizing you to give strike pay to members of another Union, the Stevedores?" he asked, with a hint of menace.

"No."

"While you can only give strike pay to members of your own Union, yet you give it to others?"

"Yes."

"Are you in the habit of giving large sums to other Unions?"

"Yes."

"Did the executive committee authorize you to spend £110?"

"No!" cried Wilson, half in protest.

"Did you do it on your own authority?" insisted Carson relentlessly.

The witness made no reply.

Carson swooped down upon another paper.

"Did you not give the Glasgow dock-labourers £400?"

"Yes."

"Did you not give the Sausage-skin manufacturers' Union £50?"

"Yes."

The Court tittered and Carson assumed an air of earnest inquiry.

"What have the Sausage-skin dressers to do with seamen?" he asked gravely.

A great shout of laughter echoed through the Court, but the advocate continued ruthlessly.

"Ah!" he murmured, with an air of sudden understanding; "was not this Union in Deptford, where you were a candidate?"

Wilson mopped his brow in distress.

"What is this item of £44 given in payment to witness at the Labour Commission?" asked Carson. "Does not the Government pay witnesses?"

"Yes."

"Why do you pay yours as well?" asked Carson, suddenly grown aggressive.

Wilson gazed round in distress.

"Why was one of those witnesses not here to-day?" resumed Carson.

At this question the witness crumpled up completely and burst into tears. After this fit of weeping he lapsed into a stupor, clasping his head in his hands. He was obviously incapable of continuing, and was led from the Court.

The next day Carson returned to the attack and elicited the fact that out of the £2,000 earmarked for "legal expenses" £600 had been spent on the criminal prosecution of a man who had called Wilson "a thief, a villain and a rascal"—and that prosecution had been dismissed!

It was now evident that the case was over. Carson called no witnesses for the defence and reminded the jury that the newspaper articles had not suggested personal corruption, but only hopeless incompetence. The jury needed but a few minutes to reach a verdict. They found for the defendants on every point except one sentence, for which they awarded the plaintiff exactly one farthing.

This was to be the first of many historic encounters between Carson and Rufus Isaacs, but not all were to be so one-sided. Both men had a profound grasp of essentials and both were shrewdly penetrative in cross-examination, but their advocacy differed in every other respect. Where the Irishman called to sentiment, the Jew appealed to the business-man's mentality. Isaacs lacked Carson's virulent invective and devastating sense of repartee. His was the power to charm, not to thrill or terrify. Carson would fight tooth and nail for a verdict while Isaacs always had an eye for a good settlement. But throughout a long rivalry, forensic and political, these two men were to remain intimate friends.

During the last few years of his career as a junior, Rufus Isaacs's name figured constantly in the Law Reports. Briefs were flowing freely into his chambers and he found himself appearing constantly in two different cases at the same time. His characteristic versatility of application was becoming so well known among solicitors that more than one attorney refused to take his brief elsewhere on this account. His work as a junior was not often of a sensational character. Preliminaries and technicalities formed the major part of his practice, but his reputation for thoroughness was second to none in business circles.

Within the profession itself his stock was soaring. Many a solicitor came round to Carson's chambers with the remark: "I wouldn't dream of letting any one else do it, with Mr. Isaacs on the other side!"

But success had not hardened Rufus Isaacs. His charm of address and inherent tact made him a firm favourite everywhere. His playfulness of spirit had survived into manhood. Years later he said: "There are but three things essential to success at the Bar. The first is high animal spirits, the second is high animal spirits, and the third is high animal spirits. If, in addition, a young man will take the trouble to read a little law I do not think that will impede his progress!" Rufus Isaacs had proved that he possessed "a little law," and he certainly had his share of animal spirits. One evening while in a box at the old Empire Music Hall he delighted his friends by standing on his head and applauding with his feet.

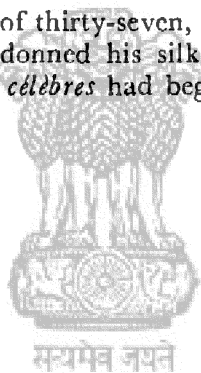
Although fond of society, and possessed of a great enthusiasm for music and the drama, the rising young junior was completely happy in his own home. His wife had brought to the union many excellent qualities. She possessed a strong character and an exquisite sense of humour. Her husband had the greatest admiration for his wife and placed great reliance on her judgment. The tender reciprocation of sympathy and understanding had grown with the years. In 1889, their only child was born. Gerald Isaacs, later Lord Erleigh, was to add to their happiness by distinguishing himself in his father's profession.

While Rufus Isaacs was doing the plodding, but lucrative, work of a junior, friendly eyes were watching his progress. Rufus had been at the Bar eleven years when Mr. Justice Bigham, the learned Commercial Court Judge, urged him to take silk. The decision to do so was one which required careful consideration. A good junior often

fails in the front row. The assured income of the junior is sacrificed to the prospect of success as leader. Not a few men have discovered that the technical work of a junior is far different from the actual handling of a case in Court.

Rufus Isaacs, however, had little cause for concern over his decision to exchange his stuff gown for a silk one. As a junior he had played a leading rôle on many occasions. He now decided to enter the front row, partly to avoid overwork!

Thus, at the age of thirty-seven, in the prime of manhood, Rufus Isaacs donned his silk gown and bob wig. The period of *causes célèbres* had begun.



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CHAPTER III

SILK

RUFUS ISAACS took his place in the front row with justifiable self-confidence. Not even his greatest admirers could, however, have foreseen the consistent success which followed. The solicitors who had briefed him as a junior continued to give him support, and the young leader again found himself in the special jury Courts. In the course of 1898, and shortly after he had taken silk, Rufus appeared in the protracted bankruptcy proceedings of Ernest Terah Hooley. That over-brilliant financier had entered the cycle trade in the middle nineties. In two years the fascinating Scotsman had made seven million pounds profit. In 1896 he had staggered the world by buying the Dunlop Tyre Company for £3,000,000 and refloating it almost immediately for £5,000,000.

Social success had followed quickly. Hooley was courted by every subscription-hunting secretary and half the impoverished gentry of England. His grandiose financial schemes had their counterpart in the domestic life of the financier. Hooley bought Risley Hall, an old baronial mansion in Derbyshire, and spent a small fortune on local charities. Cabinet Ministers and princelings promenaded with the millionaire on the magnificent terrace. Hooley was courted and flattered and his head was soon singing a mad song. He began to spend money with a complete lack of discretion. The ingenuity of his financial operations had no parallel in his domestic

life. He spent a quarter of a million on Papworth Hall, in Cambridgeshire, and bought the finest pedigree cattle in the land. The Squire of Risley thought, and spent, in millions. His generosity was amazing. He gave his partner a £50,000 yacht which subsequently entered Whitaker Wright's possession. His millions opened doors everywhere. Having decided to become High Sheriff of Cambridgeshire, Hooley eliminated all opposition and carried the day.

Hooley's aristocratic friends were nursing a baronetcy and a seat in Parliament when the blow fell. A receiving order was made against him on June 8, 1898. The gross liabilities amounted to a million and a half, whilst the assets estimated by the debtor were returned at £369,763.

Hooley was a host in himself, with a formidable command of figures and an inventive brain. The creditors wisely decided to employ the keenest wits at the Bar. Not unnaturally, therefore, Rufus Isaacs, Q.C., found himself taking part in the intricate proceedings which followed the crash. He handled with ease groups of figures running into millions, and steered a clear course over the mountains of exhibits in the case. These technical proceedings, apart from making Isaacs's name still more widely known, were to provide the psychological and practical groundwork for the historic encounter with Whitaker Wright.

A few months later Rufus Isaacs had the task of defending a fellow member of the legal profession.

Edward Beall, solicitor and company promoter, had registered the London and Scottish Banking and Discount Corporation in 1892, and aspired to join the ranks of the mushroom millionaires. He rode every morning to Lombard Street in a handsome coach and four, until his bogus discount bank went into liquidation. On October 31, 1899, he appeared at the Old Bailey, together with three of his

associates, Singleton, Wain and Lambert, charged with conspiring to defraud, with obtaining money by false pretences, and with publication of a false prospectus in reference to the affairs of the Bank.

The Solicitor-General, Sir Robert Finlay, led for the Crown, assisted by Mr. Sutton, Horace Avory (a future judge) and Archibald Bodkin (a future Public Prosecutor). Rufus Isaacs led Richard Muir in the defence of Beall, Arthur Gill appeared for Wain, whilst Marshall Hall defended Lambert.

The difficulty of Rufus Isaacs's task soon appeared from the Solicitor-General's opening. Beall was declared to be the brains of the whole undertaking. He had been a practising solicitor for twenty years and became bankrupt just before the Company was launched. His operations had had the virtue of simplicity, if not of honesty. Through the medium of a tame paper called the *Financial Gazette* he printed articles boosting the Company of which he had been appointed financial manager at £400 a year. Singleton was a bankrupt company promoter who had failed to attend his public examination. He had acted as secretary to the Company in the name of "A. F. Baker" and had also carried on business as "J. B. Morrison & Co." and "J. Lloyd Morgan & Co." Under these names he issued circulars representing that the discount bank was a good concern and offered good investments.

In 1892, "A. F. Baker" registered the prospectus of the Company, stating that the capital was to be one million pounds with a first issue of £250,000 in shares. Later that year the Company was registered in Scotland, the Memorandum of Association stating that the capital was to be £102,500 divided into £10 ordinary shares and 2,000 founders' shares at £1 each. The following day "Baker" was allotted the whole of the founders' shares "in consideration of his services." The Company had almost immediately resolved to increase the capital to a

million. Meanwhile, Singleton had thoughtfully begun to sell his founders' shares before the Company was registered.

The active business of the Company now began in earnest. It was decided to issue 100,000 of the Ordinary shares at £10 each; 124,000 copies of a prospectus were issued, together with an article called "Banks and Banking" which was dictated by Beall to the *Financial Gazette*. Lambert and Wain appeared in the list of governors and maintained their interest until the liquidation.

The public response was not magnificent, but it had been sufficient to whet the appetites of Beall and his associates; £20,000 was subscribed, of which only half was called up. The Company subsequently decided to call up the remaining £5 on the subscription. Fifty thousand prospectuses were now issued inviting subscriptions for £50,000 4½ per cent. Debenture Stock. The only reply came from an old invalid lady who sent £189 6s. 2d. for £200 of this stock.

Unabashed by this setback the Corporation declared an interim dividend of 7 per cent. for the half-year ending September 30, 1893, although there was in fact a loss of £1,671 over the period and a total loss of £14,000. The Company then proceeded to provide money for the payment of the dividend and sent out a prospectus stating that a 7 per cent. interim dividend had been declared, and inviting subscriptions for ordinary shares at 10s. premium. It was the time-honoured game of manufacturing dividends out of faked profits.

The magic carpet came to earth in 1895, when the Discount Bank went into liquidation. The assets amounted to £336, which did not even cover the costs of the liquidation proceedings. Since the Company had had a deficiency of £1,671 on working expenses alone in 1893, the prosecution urged that there was absolutely no justification for declaring any dividend that year.

Rufus Isaacs soon realized that he was faced with a Sisyphean task. His skill in handling ticklish problems of finance was known to every member of the legal profession. Beall, the solicitor and company promoter, had come to him realizing that he was the best man to brief in a hopeless case.

That confidence was not misplaced. Rufus Isaacs made a strenuous effort to shake the testimony of the Crown witnesses. He did everything possible for his client, and decided to put him in the witness-box. This was then an audacious and novel gesture, as the Statute enabling prisoners to give evidence on their own behalf had only been enacted a year before. Rufus Isaacs's skilful examination could not, however, prevail against the facts. The Solicitor-General's cross-examination was searching and decisive. He calmly read out the agreement which allotted Singleton the founders' shares "in consideration of moneys expended and services rendered."

"What moneys had been expended and what services rendered?" asked Sir Robert Finlay.

"There may have been a visit to Scotland and some printing," replied Beall lamely.

Under further cross-examination he admitted that the "Banks & Banking" pamphlet was "an affair of scissors and paste."

In spite of the overwhelming testimony against his client, Rufus Isaacs almost succeeded in making out a plausible case. With his usual air of taking the jury into his confidence he suggested that there had been a great opportunity for the Bank in England and Scotland, there being no half-way house between the ordinary banking establishment and the usurious moneylender. Beall had thought that he was establishing a sound business undertaking and his ruin had been precipitated by the hostility of the conservative banks. Rufus Isaacs looked stead-

fastly at the jury. "Beall may have erred," he said quietly, "from being too sanguine or from lack of caution or of judgment, but he had no criminal intention in his mind. I submit he is entitled to a verdict of acquittal."

The defence was ingenious but not, on this occasion, convincing. The Judge summed up very ably and directed the jury upon the law of conspiracy and false pretence.

Rufus Isaacs, still fighting, reminded the Court that Beall would be punished by being struck off the Rolls as a solicitor. The Judge sentenced his client to four years' penal servitude.

Lambert swore that he had not been present when an allotment of shares was resolved on and knew nothing about promotion expenses or of founders' shares. He had even lent the Bank £50 which had not been repaid.

Marshall Hall, who had taken silk with Rufus Isaacs, defended his client with great skill and succeeded in securing an acquittal. Singleton was sentenced to 18 months' imprisonment in the second division and Wain to 12 months. It is probable that the leniency in Singleton's case was in part due to his having been in prison since June 20. He had not been able to find bail, and a prisoner under remand in those days underwent solitary confinement.

A few months after this case, Rufus Isaacs made his political début. Like most ambitious lawyers he decided that the road to fame lay through Westminster. Forensic small talk has always had a political flavour which is in part due to the fact that a seat in Parliament is recognized as a valuable stepping-stone to the Bench. Rufus Isaacs was in a particularly favoured position. The size of his income did not cause him to shrink from the prospect of costly elections. Moreover, his name had become so familiar to the public that he was assured of a respectful hearing. He had long lived in an atmosphere of speeches

and, if incapable of torrential eloquence, could be relied upon to put a case with skill and not a little charm.

Westminster would mean the sacrifice of well-earned leisure and an additional toll on his energy. Physically and temperamentally he was, however, well equipped for the dual life of lawyer and politician. He had always led an abstemious and athletic life. His golf was energetic rather than accomplished, but he would always manage to crowd a round or two into the week end. He liked riding and cycling, and was no mean boxer. His two greatest assets were, however, a remarkable sense of order and a capacity to crowd much sleep into a short space.

Most advocates are at some time or other engaged simultaneously in two cases. Mental departmentalization is acquired through experience, as the tidy mind automatically pigeonholes facts. As Rufus himself once said: "I lift but one blind from the windows of my mind at a time. After mastering every detail of the view from this window, down goes the blind again and I turn to the next." On one occasion he disconcerted a young barrister by proving this capacity to card-index his work. The young man had come to consult the "silk" concerning a case in which they had both been briefed. Unfortunately for him, he found Rufus Isaacs preparing a speech on India. The junior began to talk Law, but his leader stopped him. "Are you aware," he said quietly, "that there are three hundred million people in India?"

Rufus Isaacs was inevitably a Liberal. Born into the prosperous middle class, he had no leanings towards Socialism. The painful history of his race had made him naturally suspicious of the reactionary class consciousness and narrow patriotism of the Tories. Socialism did not at that time constitute a good investment for the young lawyer. The Liberal Party then offered an excellent half-way house between revolution and Conservatism. It

provided a comfortable political faith consisting of Free Trade, Liberal Imperialism and Social Reform.

Rufus Isaacs could not have staged his entrance at a more unhappy moment. The Liberal Party was already split into factions when the Boer War broke out. By 1899 the breach had widened between the Campbell-Bannerman group and that headed by Grey, Haldane, Asquith and Rosebery. The latter group, the Liberal Imperialists, emphasized the necessity of winning the war. Campbell-Bannerman was in a difficult position. He had declared himself "anti-Joe but never pro-Kruger," but in time began to apply himself with more and more energy to the past misdeeds of the Government. His speeches had shifted the emphasis from the inevitability of the War to the shameful contribution which he alleged the Chamberlain policy had made to it. In these circumstances he readily qualified for the label "Pro-Boer."

Rufus Isaacs was unfortunate enough to court his first constituency at a time when his party was sinking rapidly into unpopularity. The khaki election of October, 1900, was held as a result of the Conservative plea that the War was over, whereas in fact the most difficult time had yet to come. It was an astute move and the contest became completely one-sided. Resentment at the Unionist move had, for the moment, healed the dissensions in the Liberal ranks. Having driven their enemies into one pen, the Unionists began to brand them vigorously. Every Liberal was a traitor. "Every vote given to a Liberal is a vote given to the Boers," became the slogan of the hour. The Conservative Party confidently demanded the annihilation of an unpatriotic opposition.

Rufus Isaacs went down with his party. Apart from the peculiar circumstances of the election, his task had been a difficult one. He had canvassed North Kensington, a notoriously fickle seat which had come to be regarded as a forlorn hope by the Liberals. His eager attentions

to the electorate proved unsuccessful but by no means futile, for he succeeded in reducing the Conservative majority by 186 votes. He took his defeat cheerfully and with less concern for the future. The election had provided him with valuable experience of the platform, and he had made an excellent impression at the Liberal headquarters. Although he was no breezy personality his charm and good humour had won Tory votes. His platform oratory had been notable, and, just as years before, Sir George Lewis had jotted down his name, so the Liberal chieftains now marked down Rufus Isaacs, Q.C., for better things.

Rufus Isaacs returned to a busy practice. The Boer War had indirectly excluded the politician from Westminster. As if in compensation, the war was to provide the lawyer with two of his most interesting briefs.

The earlier case is remarkable for two reasons. Firstly, Rufus Isaacs, the advocate, had to defend a great national newspaper which had made ill-founded allegations of corruption. Years later, Rufus Isaacs, the politician, was to find himself the victim of scurrilous gossip of an almost identical character. The case is most significant, however, for the great skill with which Rufus Isaacs fought a hopeless battle against Sir Edward Clarke, at that time the head of his profession. His first political venture had gained Rufus Isaacs the regard of the Liberal rank and file, but this brief was to consolidate his position at the Liberal headquarters.

The libel action of *Chamberlain v. the Star* arose out of a series of articles which had originally appeared in the *Morning Leader* and the *Star*. Early in 1900, matters were not going too well in South Africa. Dissatisfaction bred the usual rumours of corruption and it soon became possible to single out the object of the attacks. From August, 1900, the *Morning Leader* and the *Star* had published

articles suggesting that the cordite contracts which Kynochs, Ltd. had made with the Government had been improperly secured. The newspapers in question were bitterly opposed to Joseph Chamberlain's imperialist policy and now proceeded to attack the Chamberlain family which had, it appeared, an interest in Kynochs. It was suggested that Mr. Arthur Chamberlain, "Joe's" brother, had, through underhand personal influence, obtained large contracts from the Government and was receiving handsome commissions for using his influence to receive these contracts.

The facts were by no means as simple as the *Star* had sought to suggest. Mr. Arthur Chamberlain joined Kynochs in 1887, when the firm was in a critical condition. The balance sheet showed a loss of £18,000, and Mr. Chamberlain, the new chairman, decided upon drastic reconstruction. His efforts were most successful and in 1889 Kynochs were in a position to pay a 10 per cent. dividend. In 1894 the Rosebery Government decided that contracts for cordite should be given to private firms. Three firms tendered that year. Kynochs were fortunate enough to secure half the contract although, as Mr. Arthur Chamberlain admitted later, they were then inadequately equipped for manufacturing purposes. In 1898, Kynochs tendered at 6d. per lb. more than the National Explosives Company, but were permitted to revise their tender. As a result of this considerate treatment, Kynochs secured a contract for 380 tons. In 1900, seven firms had tendered for the Government contracts and Kynochs' tender at 2s. 6d. per lb. had been the highest. The Government was again considerate enough to allocate a large order to Kynochs.

These facts would normally have given rise to gossip in the City. With a general election imminent, party feeling ran high. The small talk hardened into scandal-mongering and ultimately a Select Committee was

appointed to investigate the question of the Government contracts for cordite. The report issued by that Committee incorporated the official view that public interest demanded that Kynochs should be supported with a view to future emergencies.

More than one "scandal" has journeyed to obscurity on the back of a Select Committee Report. The whole matter would almost certainly have been forgotten had not Joseph Chamberlain himself unwittingly resurrected it. In answer to a question in the House of Commons on August 8, 1900, "Joe" had solemnly declared: "I have no interest, direct or indirect, in Kynochs or in any other firm manufacturing ammunition or war materials." "Joe" undoubtedly believed that he was speaking the truth, and his statement was in the main accurate. The gossips were, however, still toying with the cordite titbit and one of them discovered that the Birmingham Trust Company, in which Joseph Chamberlain had shares, had invested part of its capital in Kynochs.

The stage was now set for battle. "Joe" had denied having any interest in Kynochs. He could now be proved to be indirectly interested in the preferential treatment accorded to that firm. Arthur Chamberlain was chairman of Kynochs, "Joe" was Colonial Secretary, while his eldest son, Austen, was Civil Lord of the Admiralty. Fortified by the new revelation, the critics of the Kynoch contracts launched a vigorous attack against the Chamberlains. One of the articles in the *Star* was headed: "Kynochs: How the Select Committee whitewashed the Cordite Contracts." An article in the *Morning Leader*, headed "A Favoured Firm: Some facts from the contracts inquiry," declared: "In no particular did Kynochs justify their position. Their cordite was the dearest, their delivery was the most irregular, and their prices were high. It happened that twice, at least, Kynochs, having sent in tenders, were allowed by private arrangement to revise

them. . . . On the last occasion they tendered at 2s. 6d. per lb. against 2s. offered by other firms. Mr. Powell Williams was at first disposed to reject their tender. Mr. Arthur Chamberlain, however, interviewed him and vowed that the loss of the contract would ruin him and finally obtained permission to lower his price." Another article in the *Morning Leader* was summarized in large type heading: "The Chamberlains as Government Contractors—the Astounding History of Tubes (Ltd.)—Starts in the Cycle trade: Mr. Arthur Chamberlain secures control: now makes boiler tubes for the Admiralty." This article suggested that Arthur Chamberlain had bought shares in the company and by his action had raised their price and foisted them upon the public at a large profit to himself. One of the articles in the *Morning Leader* had concluded on a challenging note: "No amount of abuse of this journal will get rid of the facts of these disclosures. We understand the business of the Chamberlains, and before we have done with them, we think the country will understand."

The newspapers were, of course, fully entitled to criticize the report of the Select Committee. They were equally justified in fearlessly drawing attention to the apparently preferential treatment received by Kynochs. The Chamberlain family could not, however, afford to ignore the gauntlet which had been hurled so vigorously from Fleet Street. Joseph Chamberlain clearly recognized that he had been attacked through his brother, Arthur, and decided to bring an action for libel. He was advised, however, that no action would lie and Arthur Chamberlain now came forward with an action for damages. The *Star* pleaded that the articles complained of were not defamatory and that their statements were fair comment on matters of public interest.

The case opened in the King's Bench Division before the Lord Chief Justice, Lord Alverstone, and a special

jury, on March 21, 1901. Rufus Isaacs led Mr. Eldon Bankes, K.C., a future Lord Justice of Appeal, for the *Star*. The latter had been briefed as a junior, but before the case came into Court he had taken silk. The defence was therefore in the hands of two youthful K.C.s acting without the assistance of Junior Counsel—a rare occurrence indeed. Rufus Isaacs found himself pitted against the redoubtable Sir Edward Clarke, whose wonderful clarity of vision and powers of persuasion were formidable at any time but almost terrifying in a strong case like this. Many years later, Rufus Isaacs was asked who he considered to have been his most dangerous forensic opponent. The answer came without the slightest hesitation: "Sir Edward Clarke."

The famous advocate had a great reputation for satire, but none for humour. Too precise to shine in cases of passion or prejudice, he excelled in libel actions. Although he was never capable of laughing a case out of Court he had withered innumerable libellers with his satirical cross-examination. On this occasion at least, Sir Edward Clarke was forced to contest every inch of the ground.

Clarke's opening was usually as good as another's argument. His opening speech was a forceful narrative of the facts in which he emphasized the severity of the attacks upon his client. Mr. Arthur Chamberlain then entered the box and vigorously repudiated the charges made against him.

"Is there any truth," began Clarke gravely, "in the statement that you had taken the opportunity of making money out of the Tubes Company?"

"None whatever," replied the plaintiff with decision.

"Is there any foundation for the suggestion that you made use of your relationship with members of the Government to make profits on the Stock Exchange?"

"Not the slightest."

Clarke and his learned friend, Mr. Blake Odgers, K.C., had prepared their case with great thoroughness, and the examination of Mr. Chamberlain proceeded smoothly.

Question and answer passed between Clarke and his client with remarkable facility and everyone in the crowded Court appreciated the difficulties of Rufus Isaacs's task. Arthur Chamberlain looked the typical straightforward man of business, and under Clarke's questioning his personality could not fail to impress the jury. Slowly, bit by bit, Sir Edward Clarke built up an atmosphere of outraged honour.

Rufus Isaacs approached the witness with great delicacy. He recognized the validity of the plaintiff's case and was therefore determined not to inflame the damages by a hostile attitude. The case demanded self-restraint and firmness rather than aggression. Rufus Isaacs wisely decided to play on muted strings. His first questions gently, but firmly, pierced the virginal fabric which Clarke had so skilfully woven.

"In your opinion," he said quietly, "would it be legitimate to make use of the name of the Secretary of State for the Colonies to advance the interests of Kynochs or any other company in which you are interested?"

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

"Have you ever done it?"

"No."

"Have any of your subordinates?" asked Rufus Isaacs smoothly.

"One did so without my knowledge," replied the plaintiff.

"How did he do so?"

"By writing letters to the Agent-General for the Colonies." This was an important admission, but Rufus Isaacs did not press the witness when the latter declared that this course had been taken without his knowledge.

Rufus Isaacs handled Mr. Arthur Chamberlain with great skill. Never thrusting, he nevertheless succeeded in reducing the burden which Sir Edward Clarke had placed

upon the defence. He made Mr. Chamberlain admit that he did not complain of the statement that "Kynochs were 'middlemen' " or that their prices were high. With an air of quiet, unhurried certainty Rufus Isaacs whittled away the body of the case against the *Star*. Yet throughout the lengthy cross-examination there was not a single breeze between Counsel and the witness.

Although he had not been aggressive Rufus Isaacs had made one of his points with considerable firmness. Counsel strongly urged that there had been an arrangement between Kynochs and Nobels to keep up the prices.

"That would mean," he suggested, "that you could arrange at what prices you were to tender?"

"Yes."

"Would you inform the Government of such an arrangement?"

"We should either do that or they would find it out."

"Was it ever your intention to tell the Government of the arrangement you had made with Messrs. Nobel?"

"The time had not come for any intention on the matter. The contract was to run for three years."

"I suggest," said the soft voice, "that Mr. Johnson [of Nobels] was under the impression that you had influence in Government circles?"

"I say, no!" replied Mr. Chamberlain, emphatically.

Rufus Isaacs now passed on to the question of the tenders. "Do you say," he suggested, "that it would be wrong to describe it as a highly unusual process to be allowed to reduce your tender?"

"It is not 'highly unusual,' " objected the witness.

"Is it unusual without the 'highly'?" asked Counsel urbanely.

"I cannot argue about it," replied the witness, with some irritation.

"I suppose it is not a common thing?" interrupted the Lord Chief Justice.

"No, it is not common," agreed the witness.

"Then it is unusual," decided Lord Alverstone, amid laughter.

Rufus Isaacs had not succeeded in discrediting the plaintiff, nor had he intended to do so. All his questions had, however, concentrated attention on the aspects of the case favourable to the defendants, at the same time assisting the jury to forget the sting of Clarke's examination.

Always with the air of setting them an easy task, Rufus Isaacs began his address to the jury. Leaning forward almost confidentially, he assured the jury that he accepted implicitly the statements made by Mr. Arthur Chamberlain. Half-apologetically, he went on to suggest that it was as a result of the plaintiff's evidence that he now considered that the articles were fully justified. He denied that there had been any attack on the private character of any member of the Chamberlain family. The defendants, he insisted, had attacked a state of things in which it could be possible for those controlling a spending department to be interested in companies which supplied that department. Speaking with quiet emphasis, Rufus Isaacs unobtrusively contrived to squeeze a plea for mercy into his analysis of the facts: "Nobody is asking you to say that the view taken by the defendants is right. All you are asked to say is that the defendants, however prejudiced their views might be, were entitled to put them forward." He paused, and again assumed the air of taking the jury into his confidence. "At the time in question a general election was coming on and party feeling ran about as high as it possibly could. I think I am justified in saying that all the heated articles did not emanate from the Liberal side only." He urged the jury to remember that the *Star's* campaign had been waged against Joseph and Austen Chamberlain, who had been advised that they had no ground for an action. The present action, he suggested, was a makeshift.

"Mr. Arthur Chamberlain," he murmured, "who is quite a minor person in these matters, comes forward and brings an action for libel with two little pegs to hang his case on—Tubes and Kynochs—and alleges that he is charged in these articles with corruption."

Thus Rufus Isaacs cleverly fashioned a case from his scanty materials. He had insisted with great subtlety upon the fact that the persons primarily attacked had been unable to bring an action. As if to compensate for the speciousness of some of his arguments, he concluded with a full-bodied appeal to the jury: "You must deal with the whole question broadly and in a public spirit. I look to you to vindicate the position the defendants have taken up in fearlessly commenting on matters of great public importance."

Sir Edward Clarke refused to walk down the blind alley which his learned friend had so thoughtfully indicated to him. "I admire the very high ability with which my learned friend has put the defendant's case," he began, "but you must not allow yourselves to be led away from the real issue. . . . The suggestion is that the assault was intended to be directed against Mr. Joseph Chamberlain and Mr. Austen Chamberlain, and that if Mr. Arthur Chamberlain was hit in the attack that was because he enjoys the privilege of being Mr. Joseph Chamberlain's brother, and he must always remember as a consolation that his brother is in the Cabinet." Counsel's address concluded with a dramatic plea for punitive damages. "You ought to mete out to these newspapers the punishment they deserve, and that punishment should be such as will remain as a record to warn other papers that Englishmen will not allow political warfare to be carried on with the poisoned weapons of defamation."

Lord Alverstone crystallized the issues in the course of an exhaustive summing up, and the jury needed less than three-quarters of an hour to find for the plaintiff.

The verdict had been expected, but the comparatively small sum of £200 awarded as damages was an eloquent tribute to Rufus Isaacs's handling of the case. Counsel had not only charmed the jury, he had also won the gratitude of a powerful client. "We, more than anyone," observed the *Star*, "have reason to appreciate the vast skill and the perfect discretion with which the defence in the Chamberlain case was conducted by the Counsel to whom it was confided."

Strangest of all Rufus Isaacs's clients was the brilliant lawyer who stepped into the dock at the Old Bailey on January 17, 1902. Dr. Frederick Krause was charged with having incited a friend, Broeksma, to murder another young lawyer named Forster.

Dr. Krause was a young South African who had quickly made his mark as an advocate and a Boer politician. He had studied law in Amsterdam and London, and had been called to the Bar by the Middle Temple. On his return to South Africa he developed an excellent practice and, in 1898, he was appointed First Public Prosecutor in Johannesburg. A zealous anti-Uitlander, he was marked out for high office under the Republic Government. He was appointed acting Attorney-General for Witwatersrand and, after the outbreak of the Boer War, Military Governor of Johannesburg.

While Krause was Public Prosecutor he came into contact with another young lawyer who had also been called by the Middle Temple. Krause had at once taken a dislike to Forster, of whom he had heard ugly rumours. This animosity was reinforced by the determined Unionism which Forster professed. After the Jameson Raid, Forster became President of the South African League, the object of which was to maintain British supremacy in South Africa. Krause's dislike now hardened into bitter hatred. He marked down Forster as a dangerous man and an arch-foe of his country.

After the outbreak of the war, Forster hastily departed from Johannesburg and joined the staff of Lord Roberts. Meanwhile, Dr. Krause continued to hold Johannesburg. When that town surrendered in May, 1900, Krause noticed with bitterness that Forster was one of the three men sent by Roberts. He pigeonholed this fact and quietly surrendered the town. Lord Roberts was grateful to the young military Governor for his co-operation, and expressed his thanks in a letter which was afterwards read out in Court by Rufus Isaacs. "Thanks to your energy and vigilance," Lord Roberts had written, "order and tranquillity have been preserved, and I congratulate you heartily on the result of your labours. Permit me also to tender to you my personal thanks for the great courtesy you have shown me since I first had the pleasure of meeting you."

In July, 1900, Krause applied for leave to go to England. As a prisoner of war on parole he could not leave Johannesburg without the consent of the authorities. Permission was readily granted, and Krause proceeded to London, where he was allowed to resume his legal practice. But the Courts could not make him forget South Africa. Distance made him lose his sense of proportion, and Forster's share in South African affairs became an obsession. Krause soon became convinced that Forster must be removed in the interests of his country. In the summer of 1901, Krause began a vigorous correspondence with Broeksma, who had been a colleague in the Public Prosecutor's Department. Some of his letters requested Broeksma to hunt up information which would discredit Forster. Others were more aggressive. In one letter Krause had written: "This man [i.e. Forster] must be got out of the way, cost what it may. His influence is very damaging." In another letter he had suggested that Forster should be "shot dead in some lawful way, or otherwise put out of the way." These letters never

reached Broeksma, who was arrested in Johannesburg on August 24, 1901, and was court-martialled for high treason and shot. The discovery of the letters, however, led to Krause's appearance in the dock, charged with incitement to murder.

The accused came up before Lord Alverstone, whom Rufus Isaacs was later to succeed as Lord Chief Justice. The Solicitor-General, Sir Edward Carson, K.C., led Richard Muir, Henry Sutton and A. E. Gill for the Crown, while Rufus Isaacs defended this fellow-member of the Middle Temple. The Boer War was still raging and, not unnaturally, the proceedings attracted great public interest. The members of the public were not, however, on this occasion, to be regaled with spicy details. The proceedings were to be more remarkable for subtle dialectics than for heated exchanges between Counsel and prisoner.

Carson rested his case on the letters which Krause had written to Broeksma. His opening was a temperate and restrained statement of the facts, lacking nothing in directness. "It is clear," said the Solicitor-General, "that these are no mere passing phrases but expressive of a deliberate and long-entertained purpose. . . . The prisoner, too, as a lawyer, was well able to appreciate the character and the tendency of his actions."

Forster, who gave evidence for the prosecution, was severely cross-examined by Rufus Isaacs. He admitted that he had written to the *Pall Mall Gazette*, of which he was special correspondent, suggesting that the Boers were outside the pale of civilization and should be treated "as robbers and bandits." Although Rufus Isaacs lost no chance of insisting upon the political disagreements between the two men, there was little headway to be made against the witness.

The defence had a very difficult task, for the authorship of the letters was undisputed. Rufus Isaacs opened his case by making great play with the letter which Lord

Roberts had written to Krause. Having created a favourable atmosphere in his client's favour he began to argue a point of law. He submitted, with a wealth of illustration, that as there was no evidence that Broeksma had ever received the incriminating letters there could be no offence. The Offences against the Persons Act, under which the prisoner was charged, prohibited "soliciting," "persuading" and "endeavouring to persuade," and Rufus Isaacs urged that it was necessary that the mind of the man solicited should be reached. He submitted with great resourcefulness that the Statute contemplated actual argument addressed to the person.

Carson repudiated his learned friend's suggestion. He vigorously denied that solicitation implied actual reaching of the mind and gave some striking illustrations. "Suppose I ask a man in Court to shoot somebody," he said in his brusque way, "and the man proves to be stone deaf, would there be no solicitation?" "Was there no offence committed," asked the Solicitor-General, "when a man wrote a letter in a language which the addressee could not understand?" The real question, he urged, was whether the prisoner had written the letter, whether it incited to murder, and whether the prisoner intended its delivery to Broeksma.

Rufus neatly countered these suggestions by submitting that mere intention was no offence under the Statute. The Lord Chief Justice decided in favour of Rufus Isaacs on this point and the trial proceeded.

But Krause's position had improved considerably as a result of the technical skirmish. He was now charged with attempting to incite, a far less serious offence than the statutory crime of incitement to murder.

Rufus called no witnesses but, nevertheless, made out as strong a case as was possible in the circumstances. He solemnly twitted the other side for the "attenuated prosecution" as compared with its original form, for Krause

had in the first instance been arrested on a charge of High Treason. He reminded the jury that the accused was "a man of high education and high character" and strenuously submitted that Krause had wished Broeksma to have Forster court-martialled.

Carson had been defeated on the technical point, but he was equal to the task now before him. Rufus Isaacs had stressed the anti-Boer character of Forster's contributions to the British Press. The Solicitor-General seized upon this point with grim zest. "Thus it follows," he said ironically, "that whenever a newspaper writes violently against your views, you are entitled to suggest that the editor should be entangled in the meshes of the Law and put to death." The speech concluded with a staccato appeal, almost a command, to the jury: "The gentleman in London was dictating the sentence, the sentence being one of death."

The Lord Chief Justice's summing-up left no doubt as to the issue, and the jury returned a verdict of "Guilty" after ten minutes. Asked if he had anything to say before sentence was passed, Dr. Krause made a firm but dignified statement. "I have only to thank the Court," he said, "for the fairness of my trial. I have scrupulously adhered to the terms of my parole. I consider that Mr. Forster is one of the persons whose conduct is in a great measure responsible for the prolongation of this deplorable war."

Lord Alverstone's voice took on a gentle note as he addressed the prisoner. "This is to me," said His Lordship, "a most painful and no ordinary case. You are a barrister of the Middle Temple, a member of my own profession, and I doubt not a very able and energetic young man. You have been most ably defended. Nothing that could be said in your favour has been omitted and nothing has been pressed against you. You are a man of education and with a knowledge of the Law. The only thing that can be said regarding Mr. Forster is that he was

politically opposed to you, but he was as much entitled as yourself to his views." His Lordship then passed the maximum sentence, imprisonment for two years.

For Rufus Isaacs the case was a forensic triumph. He had met the indisputable facts with tactical brilliance and great resource. Happily the prison sentence was not to prove the last act in Dr. Krause's career. Like Dr. Jameson, he was destined to perform distinguished service in South Africa.

In 1902, one of the busiest in his legal life, Rufus Isaacs moved with his family to 32 Park Lane, a quiet Georgian house overlooking Grosvenor Gate. The advocate had changed his residence but not his habit of rising at 4 a.m. He had appropriated a small room on the second floor as his "den" and here he continued to master his briefs with the perseverance which had characterized his work as an anxious Junior. By this time his income had reached five figures, and people outside the profession were becoming interested in the man who could command 500-guinea briefs. Rufus Isaacs was courted on all sides and quickly became a social success. The reasons for his popularity in Mayfair are not far to seek. Handsome and witty, he possessed a far larger share of the social graces than usually falls to distinguished lawyers. More than one great advocate has found it difficult to shed his jury manner on entering a drawing-room. Rufus Isaacs did not practise the supercilious condescension with which so many lawyers have concealed their ignorance of cultural matters. He entered into communion with the world of fashion with all the zest of one who gets but rare opportunities of meeting congenial friends. A man of intelligence and refinement, his brisk, smiling air dissolved the anxious inertia of the worldlings. It was soon recognized that here was no crabbed lawyer, but a merry-hearted man always ready with some witty titbit for the delicate palate.

His race proved no obstacle to success. He did not

regard his Jewishness as a kind of poor relation. Unlike so many Jews, Rufus Isaacs did not shun his compatriots and eagerly seek out Gentiles. He had no Ghetto complex and was equally at home with Jews and Gentiles. He was proud of his race and never afraid to justify that pride. But he blended his Jewish intensity with the diplomatic moderation of a man of the world. On Rufus Isaacs's lips racial pride was never a challenge of defiance. Years later, he was to remind the Jewish community that there was "no bar, by reason of religion or race, to the position which a man might attain to in this country."

Social life did not form Rufus Isaacs's sole relaxation. During the Long Vacation he would leave London with his wife and son, who had entered Rugby in September, 1902. Rufus liked to play tennis and golf, and to lounge by the sea. He made friends easily with children and loved to romp with them, and brought to pleasure and relaxation all the unspoilt keenness of a schoolboy. In his hours of distraction he threw aside all his professional cares with an uncompromising gesture. He eschewed "shop" whilst on vacation, but sometimes received a pleasant reminder of the life he had left behind. Thus on one occasion he was sitting in the lounge of the Metropole Hotel, Brighton, when F. E. Smith came in. The future Lord Chancellor had just been married at St. Giles's Church, Oxford, where he had surprised the congregation by wearing a pink shirt. He now introduced Rufus to his wife with the aside: "I may say that I consider this man quite as clever as I am myself!"

A few weeks after the Krause trial Rufus Isaacs was to witness "F.E.'s" first important appearance on the London legal stage. In February, 1902, both Counsel were briefed in what is perhaps the most amazing case of forgery in the annals of crime.

The principal figure in the Liverpool Bank case was a weak-willed clerk called Goudie. He was a young Scot

who had come to Liverpool determined to lead a steady and industrious life. He earned £3 a week at the bank, and lived frugally, paying £1 per week for board and lodging. Unhappily for both himself and his employers, he began to seek relaxation from the counting-house in gambling. The Turf, however, failed to prove a source of profit. The young clerk was obviously destined to make a bookmaker's holiday. When he won, Goudie increased the scale of his operations, and when he lost he was eager to recoup.

In 1898, Goudie found himself in difficulties. He owed a bookmaker £100 and was being pressed. Exposure meant the loss of his job. He wavered, and finally forged a cheque for £100 in the name of Mr. Hudson. The fraud was not discovered. Goudie was in charge of ledgers containing clients' accounts H—K. This list included a large account in the name of Mr. Hudson. Goudie had devised an ingenious system of swindling his employers. He opened an account of his own with the bank, and thus provided himself with blank cheques. He then forged Mr. Hudson's signature to these cheques. When the cheques came up for payment, a clerk in the clearing office entered them in a journal and handed both cheque and journal to Goudie for posting in the ledger. Goudie would then destroy the cheque and not enter it in either Mr. Hudson's account or in the ledger. He simply ticked the journal as if the ledger had been posted.

The scheme was simplicity itself, but Goudie was exposed to the recurrent risk of auditing. As part of his duties was to assist the auditors he evolved a clever system of false entries. A day before the audit he would make an entry of a false debit to the amount of a client. This entry appeared for the time during which the audit would be taking place. Afterwards he would rectify the entry by making an entry of a false credit. Thus, attention was not drawn to the account.

Goudie realized that his scheme was by no means foolproof. A sudden and unexpected checking of the items would mean detection. He therefore resolved to make good the deficiencies with a coup on the Turf and again began to frequent racecourses.

The young bank clerk was returning from the October meeting at Newmarket, in 1900, when he met two unscrupulous racing men in the train. The two sharpers, Kelly and Stiles, invited him to play cards and soon perceived the possibilities of their new acquaintance. They improvised a fairy-tale to which Goudie lent a ready ear. Stiles, who was a "runner" by profession, was introduced as a wealthy professional punter, whilst Kelly, a hard-up tout, announced himself as a high-class commission agent. Flattered by their interest, Goudie became anxious to impress his importance. He settled without demur when a few days later Kelly announced that he had been betting for him and that he had lost £230. Stiles appeared to have lost also and Goudie suspected nothing.

The acquaintance improved, and during the next few months Mr. Hudson's account dwindled by some £60,000. In the course of a year Kelly had made £30,000 while his partner had got over £35,000. The two men had quickly discovered the wretched clerk's secret and the latter had probably paid his alleged losses under the threat of exposure.

Rumours spread rapidly in the underworld. Kelly and Stiles had become wealthy so quickly that another gang of touts resolved to tap the same source. This new gang was much more dangerous than the Kelly and Stiles combination, and included Burge, an ex-pugilist and bookmaker (and incidentally a brother-in-law of the famous Marie Lloyd), Marks, an impecunious bookmaker, and Mances, a card-sharper and tout.

The forger was soon being blackmailed by the new gang. A telegram from Goudie to Kelly was intercepted

and Mances accosted the unfortunate clerk in a Liverpool Post Office. "You are a clerk in the Bank of Liverpool," he said with terrible directness, "and in a position where you can command money." The terrified Goudie now agreed to place bets with Marks. Some idea of his credulity can be obtained from the fact that he believed that Marks would accept wagers of £5,000 up to an hour of the start of a race. Anyone with the slightest knowledge of the Turf knows that such a wager just before a race with a small field would send the odds soaring and soon make the "fancy" an odds-on favourite.

The new gang was much more grasping than Kelly and Stiles. In one week Goudie lost £25,000. The bets were never made, but on one occasion Goudie spotted a winner at 5—2 and should have won over £20,000. His jubilation was soon extinguished by a telegram from Marks to say that he had been too ill to make the bet!

Stiles and Kelly had made £60,000 in one year but the Burge trio succeeded in extracting £90,000 within three weeks. Burge took £38,500, Marks £15,000 and Mances £36,750. The wretched catspaw, however, never succeeded in keeping more than a few pounds for himself, in spite of his gigantic forgeries.

On November 21, Goudie was asked to explain certain differences between the journal and the ledger. He calmly sent for a porter to look for a missing cheque and hastily left the bank. A few days later he was found hiding in a cheap lodging-house. Burge, Kelly and Stiles were arrested but Mances and Marks made good their escape. Marks had boarded a cross-Channel boat at Newhaven, but he was never arrested. His bag was found on board the boat and the police assumed that he had committed suicide by jumping overboard. Mances succeeded in evading arrest, but only carried away some £2,000 in notes. Altogether about £100,000 was ultimately recovered by the bank.

The trial took place at the Old Bailey, before Mr. Justice Bigham (afterwards Lord Mersey), who, it will be recalled, had urged Rufus Isaacs to take silk. The case had attracted a distinguished array of legal talent. Charles Gill, K.C., led Charles Mathews and Graham Campbell for the bank. Rufus Isaacs defended Kelly, Marshall Hall appeared for Stiles, whilst Horace Avory and F. E. Smith led respectively for Burge and Goudie.

The evidence against the last was so overwhelming that he pleaded "Guilty," and turned king's evidence. The trial of Burge was proceeded with first, and Rufus Isaacs and Marshall Hall watched the case with the closest interest. It soon became evident that their clients were in a hopeless position.

Charles Gill had decided to put Goudie in the witness-box, and the clerk told his melancholy story with great frankness. Horace Avory did everything possible for his client. He forced Goudie to admit that he had never seen Burge and only knew of him as a boxer. The long and patient cross-examination could not, however, shake a prisoner who had pleaded "Guilty" and now had little to lose. Before Goudie left the box he had told Gill that prior to meeting Kelly and Stiles he had backed horses for small amounts only.

The sub-manager of the Credit Lyonnais gave evidence of Burge having drawn a cheque for £10,000 in favour of Mrs. Burge, and it was apparent that the case against the ex-pugilist was a black one.

Horace Avory decided to put Burge into the witness-box and promptly restored his self-confidence by asking him about his career. He had made £30,000 from his boxing in eight years, and had had nothing to do with Marks's betting business before October, 1901. He had gone to Liverpool with Mances but never saw Goudie. Under his Counsel's calm, but direct, questioning, Burge continued to maintain that he had not associated "Scott"

with a clerk in the Liverpool Bank, but had thought him a wealthy punter.

Burge did not fare so well under Gill's racking cross-examination. Prosecuting Counsel pressed him strenuously on his financial position, his relationship with Mances, and the telegrams to "Scott" which Marks had dictated. At last, completely unnerved by the pitiless questioning, the former pugilist burst into tears.

Avory had fought every inch of a hopeless case, but the jury needed only five minutes to find Burge "Guilty."

This verdict showed Rufus Isaacs what little chance Kelly stood. It was evident, from the conviction of Burge, that Goudie's evidence was unshakable. Goudie had never seen Burge before the two met in Court, but it was impossible to deny that he had long been personally associated with Kelly and Stiles. But Rufus Isaacs's resourcefulness did not fail him. There was no evidence to prove that his client had used threats to extort money from the unfortunate clerk. There were, moreover, difficulties of evidence which might induce the prosecution to be content with a plea of Guilty on a minor count. Gill was well aware that technical questions might arise on the indictment in regard to where the money was actually received. A difficult point might, moreover, be raised as to whether the "obtaining" was actually within the jurisdiction of the Court or whether the "receiving" came within the jurisdiction. Rufus Isaacs and Marshall Hall consulted together, with the result that their clients pleaded guilty on the conspiracy count, the maximum sentence for which was two years' hard labour. It was an excellent strategic move, for the prosecution, as Rufus Isaacs had hoped, now accepted the plea and did not proceed on the other counts in the indictment.

Charles Gill opened the case against Kelly and Stiles with a brief but damaging exposition of the facts. Rufus Isaacs addressed the Court on behalf of Kelly and made

every possible point in his client's favour. "There is on the Turf," he said, "a certain class associated with racing who have not a high appreciation of morality and who think that if they get hold of anyone with money to bet with they need not trouble any more about it." He urged his Lordship to remember that Goudie had not been intimidated by Kelly, and that the latter had actually made bets with various bookmakers on behalf of Goudie. Rufus Isaacs went on to stress the fact that Goudie had always selected the horses for himself except on the first occasion. Finally he reminded the Judge that Kelly was anxious to make restitution.

Marshall Hall followed and pointed out that Stiles and Kelly had at one time thought they were doing a perfectly legitimate business with Goudie. At this, Mr. Justice Bigham, whose patience was wearing thin, sharply reminded him that this was irrelevant.

The following day Marshall Hall sought to emphasize his appeal on behalf of Stiles. As he rose, the Judge said tartly, "How many more speeches am I to hear? I heard you on Thursday." Marshall Hall flushed painfully and Rufus Isaacs, scenting danger, tugged at his friend's gown. "Remember that he is sitting there," he whispered, "and we are sitting here." Marshall Hall could not, however, be restrained. He had always shown a dangerous flair for antagonizing the Bench and his Lordship's remark seemed a deliberate snub.

"I don't think your Lordship did hear me," he replied hotly; "your Lordship did not wish to hear me." It is fair to observe that the impetuous advocate subsequently apologized to the Judge and that they became good friends.

F. E. Smith was in as difficult a situation as his learned friends. He could do no more than plead for mercy for Goudie, but this he did brilliantly. His speech in mitigation was a triumph. In tones of melting appeal he told the sad tale of the weakling. "In the whole history of

crime," said "F.E.," "there is not a case in which a man has enjoyed himself so little as the result of his crime as Goudie has. It is not on record that he spent a farthing of the money on personal indulgence."

In spite of this brilliant speech in mitigation, Goudie received a heavy sentence. "I don't know in your case whether to marvel more at the wickedness of your folly or the folly of your wickedness, for the money which you obtained from the bank you appear to have squandered in the most reckless manner. I remember that apparently you benefited personally very little from it," said Mr. Justice Bigham in his judgment. "I see no excuse for you, no palliation. Yours was the hand that set the whole of this fraud in motion, and I must give you exemplary punishment. You must go to penal servitude for ten years." Goudie did not survive this sentence and died after five years in prison.

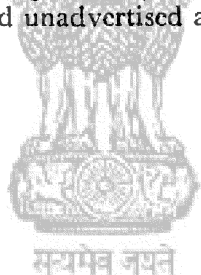
Burge also received ten years' penal servitude, but only served seven years of his sentence. His record in prison had been exemplary and he had saved a warder's life at the risk of his own. He resumed his boxing career and fought in the Boxers' Battalion during the War.

Kelly and Stiles escaped with a year's hard labour, the maximum penalty for the offence to which they had pleaded "Guilty." In passing sentence the Judge remarked that he would have welcomed an opportunity to inflict a heavier sentence, in itself a grim tribute to the skill with which Marshall Hall and Rufus Isaacs had defended their clients.

This was not the first occasion on which Marshall Hall had defied the Bench. In the Chattell case, a few months previously, he had fallen foul of Lord Justice Mathew, who had severely reprimanded him. The case had attracted so much publicity that the advocate's practice inevitably suffered in consequence. Within a few months of the Goudie case, Rufus heard that Marshall

Hall was in serious financial difficulties. The emotional warmth and generosity of his temperament dictated an immediate offer of assistance. But Marshall Hall was too proud to accept the loan. "I understand your views and respect them deeply," wrote back Rufus Isaacs. "At the same time I cannot forbear repeating to you that you can count on me in need, while I hope it will not happen. But, if it did, you and I are friends, and need not waste more words than these. I am ready when called upon. Good-bye, my dear friend, for the present."

Marshall Hall did not misunderstand or forget his friend's sympathy and generosity. For Rufus Isaacs had a flair for delicate and unadvertised acts of kindness.



CHAPTER IV

TRIUMPHS

THE busy life of a leader is, paradoxically enough, not spent in the Courts since only a relatively small proportion of his cases ever reach the Court stage. Actions are compromised, claims are settled or abandoned and the "silk" often fights his hardest battles at the conference table. Not the least strange feature of an advocate's life is that the publicity which attends his activities is often in inverse ratio to the importance of their subject matter.

In the autumn of 1902 Rufus Isaacs took part in a remarkable divorce suit. The case of *Hartopp v. Hartopp* and Cowley attracted more public interest than any other litigation in which Rufus Isaacs was engaged while at the Bar. The costs reached the enormous figure of £15,000, and after coroneted dirty linen had been washed thoroughly for a fortnight, the parties concerned found themselves in precisely the same position.

The prologue to this matrimonial drama was enacted at a Mayfair church in June, 1895, when Sir Charles Hartopp married the daughter of a wealthy shipowner, Mr. Charles Wilson, M.P. The bridegroom was an impoverished baronet whose racing debts amounted to £8,000, while his estates were heavily burdened. A stockily-built, semi-bald man of thirty-seven, he was a striking physical contrast to his young wife, who was his junior by fifteen years. Lady Hartopp had been one of the most beautiful débutantes of the day, and her tall,

graceful figure seemed a little incongruous beside that of "Bundle," as she called her husband. There were, however, other and deeper differences between the two. Sir Charles's love of the Turf far exceeded his judgment. Lady Hartopp had £1,800 a year, but as this proved insufficient, Sir Charles had frequently to throw himself upon his father-in-law's generosity.

Far more serious from Lady Hartopp's point of view was the disparity in their tastes. She loved hunting and country life, while Sir Charles liked a town life relieved by frequent visits to the racecourse. Young and exceptionally graceful, Lady Hartopp did not always share the views of her middle-aged and somewhat florid husband. Thus, Sir Charles objected so vigorously to his wife's friendship with Sir John Willoughby that she left him.

In the autumn of 1900 Lady Hartopp met Lord Cowley in the hunting field, and they became close friends. They were distant relatives, since Lady Hartopp's great-grandfather and Lord Cowley's great-grandfather had married sisters. Both were young and fond of hunting, and Lady Hartopp had taken Gaddesby Cottage, near Melton Mowbray, about two and a half miles from Lord Cowley's seat, Baggrave Hall. Lord Cowley was no dullard. He had seen service in the South African War and now led an active, vigorous life. His matrimonial life had not been happy, however, and he had been divorced by his former wife, Lady Violet Nevill, in 1897.

Lady Hartopp often met her neighbour out hunting and they discovered that they had much in common. Lord Cowley became a frequent visitor at the cottage and helped Lady Hartopp to furnish and decorate the house.

Country life did not make Lady Hartopp forget her domestic problems; if anything they became more insistent. In the spring of 1901 she wrote to her husband suggesting that she would give him £20,000 if he would allow her

to divorce him. This offer was indignantly refused by Sir Charles, and Lady Hartopp now made an attempt at reconciliation. On Good Friday she wrote to her husband: "I can't let Easter pass without writing to say that I do wish we could start afresh once more. Let us put the past behind us, and try and begin all over again. We are neither of us very old, and we have probably both learnt forbearance by now, and if I was trying to you, you were the same to me, so now we can cry quits." Matters were not so easily settled, however, for Lady Hartopp's conditions proved unsatisfactory to her husband. Her terms for co-habitation were firstly, that the past was not to be referred to; secondly, that the cottage should be kept but that they should have no London house; and finally, that they should have a six months' trial. If this probationary period did not heal the breach, they were to separate.

Sir Charles did not approve of his wife's terms and they again separated. Lady Hartopp repaired to Melton Mowbray, but this time Sir Charles resolved to disturb the tranquillity of her country pursuits. He suddenly served his wife with a petition for divorce, citing Lord Cowley as co-respondent. They denied the charge and subsequently Lady Hartopp cross-petitioned alleging that Sir Charles had been guilty of adultery with Mrs. Sands, a beautiful actress whose reputation, as she admitted in the witness-box, was not entirely without blemish.

The case opened on November 26, 1902, before Mr. Justice Gorell Barnes, and attracted more than the usual number of snobs and sensation-hunters. The corridors outside the Court were so congested that even Counsel engaged in the case had the greatest difficulty in making their way into the Court. The public interest in the proceedings was not without some justification. The presence of the *dramatis personæ* gave promise, not unfulfilled, of rich human drama, while the names of leading Counsel alone offered caviare to the forensic palate. Sir Charles Hartopp

had briefed Lawson Walton, Rufus Isaacs's former mentor, Henry Duke, K.C. (later Lord Merrivale), and Mr. Barnard; Lady Hartopp was represented by that great veteran, Sir Edward Clarke, K.C., Mr. Inderwick, K.C., and Mr. Wontner. Lord Cowley's Counsel were also drawn from the flower of the Bar and included Bargrave Deane, a brilliant divorce lawyer and future Judge, Charles Gill, K.C., a great criminal prosecutor, and Mr. Pritchard. Rufus Isaacs led Mr. Kisch for Mrs. Sands, who had intervened in the suit. Rufus had a retainer of 150 guineas and a handsome refresher, and although he did not play a major part in this case, his performance was regarded as a triumph in miniature. Apart from the interest of the subject matter, the case would indeed be worthy of record if only for its glimpses of accomplished, but sharply varied, styles of advocacy.

Lawson Walton opened the case with portentous gravity. The son of a Nonconformist minister, he brought a heavy sense of ethical disapproval into his account of the relationship between Lady Hartopp and Lord Cowley. He seemed unable to forget that he had appeared for Lady Cowley in her divorce suit five years previously. In powerful, but pointed, sentences, Lawson Walton told how Lord Cowley had contributed a sofa and a Dutch bedstead to the furniture of Gaddesby Cottage. Lord Cowley, said Counsel, used to come to the cottage and spend days in the hunting field with Lady Hartopp. He had frequently stayed in the cottage as late as 11 p.m.

Lawson Walton put Sir Charles Hartopp into the witness-box and elicited his version of his married life. Sir Charles did not, however, fare too well under the cross-examination of Mr. Inderwick, who prodded him mercilessly with questions regarding his gambling debts and his frequent applications to Mr. Charles Wilson. Lady Hartopp sat with her father, listening with composure to the evidence, while Lord Cowley sat with Sir John

Willoughby, who had expressed his willingness to enter the witness-box if necessary.

Sir Charles was succeeded in the box by Alice Blythe, one of Lady Hartopp's housemaids. She declared that Lord Cowley was a frequent visitor to the cottage and used to sit in the boudoir with Lady Hartopp. They called each other pet names, said the witness, and were familiar in their manner. During the hunting season, Lord Cowley's bag was sent over to the cottage, where he frequently bathed and changed after a day in the field. The witness said that she had seen Lord Cowley washing his hands in Lady Hartopp's room. Lord Cowley had assisted Lady Hartopp to hang up the pictures in the cottage and also in the arrangement of the furniture. On one occasion she had taken a telegram for Lord Cowley up to the boudoir. She knocked and heard Lady Hartopp say "Bother," and when she entered, saw Lord Cowley buttoning up his waistcoat.

A series of housemaids followed this witness but their testimony was of trivial value. One of them, however, Ethel Freestone, declared that she had left the cottage in consequence of what she had seen there. Pressed further, the witness said: "I don't consider that Lady Hartopp and Lord Cowley were behaving properly."

"What did you see," asked the Judge, "that made you think they were not behaving properly?"

At this, the witness flushed and became tongue-tied. The Judge repeated his question three times but the girl could not, or would not, answer. All that could be elicited from this bashful witness was that she had once heard Lord Cowley say, "Good night, darling," to Lady Hartopp.

There followed much evidence of a similar character, all pointing to the fact that Lady Hartopp and the correspondent had been very friendly. It was clear, however, that the petitioner's case was by no means strong. No evidence had been produced to show that Lord Cowley

had ever stayed the night at the cottage nor was there any evidence of a specific act of impropriety.

Sir Edward Clarke, who opened for Lady Hartopp, had little difficulty in demonstrating the weakness of the petitioner's case. Although a little ponderous and heavy-handed in cross-examination, he had a keen sense of the distinction between fact and fiction and could state a case with great force. He referred to Sir Charles's gambling debts and his extravagance. "Instead of giving up his gambling and betting habits," said Clarke, "Sir Charles went on losing more and more." The great advocate was now to demonstrate his gift of corrosive irony. "Much has been made," said Sir Edward Clarke, "of the respondent's having offered the petitioner the sum of £20,000 if he would allow her to divorce him. . . . She might well have assumed that marriage with Sir Charles was looked upon by him as a purely financial investment and that marriage with a rich man's daughter was but a means of liquidating debts." Clarke then came to the petitioner's case, the weakness of which he indicated with a shrewd thrust. "It should be remembered," he said gravely, "that there probably is not a household in which the domestic servants do not find fault with the behaviour of their masters and mistresses." His speech closed with a vigorous reference to the cross-petition. "This English gentleman," said Counsel, with reference to Sir Charles Hartopp, "has not only treated his wife with violence, but has himself been guilty of matrimonial infidelity during a great part of his married life, for it has recently been discovered that he has been in the habit of visiting a very beautiful woman, who is living apart from her husband and is known to be accessible to gentlemen who are prepared to pay somewhat heavily for her favours."

Rufus Isaacs was soon to prove the falsity of this charge and to gain the sympathy of the Court for his beautiful client, Mrs. Sands. For the time being, however, he sat

patiently watching the progress of the case. There was, indeed, much in the proceedings to interest both a lawyer and a student of human nature. Lady Hartopp entered the witness-box on the third day. She made a remarkable figure in her rich sables. Those in Court marvelled at the confidence of her manner and the proud, almost regal, casualness with which she answered Mr. Inderwick's questions. She declared that her husband had on one occasion picked a quarrel and struck her. In answer to her Counsel's patient questioning, she said that it was usual among hunting people to call one another by their Christian names and to behave in a free and easy manner.

Lawson Walton now rose to cross-examine. This cross-examination was to provide excitement enough to satisfy even the most jaded devotees of the Courts. Lawson Walton was a solid and painstaking advocate who became Attorney-General four years later. Temperamentally, however, he was ill-equipped for a conflict with a mettlesome Society beauty. A serious-minded man of artistic tastes, he could not readily understand or condone the "free and easy" manners of Melton Mowbray. Each question was shafted with disapproval. Lady Hartopp, however, stood up well to cross-examination and proved no easy target for homilies.

"Do you know," said Lawson Walton, "that the choice of your friends had been brought to the notice of your husband?"

"It may have been," replied Lady Hartopp evenly.

"Do you know," persisted Counsel, "that your mother had given advice to Sir Charles on the subject?"

"No, I do not."

"Did not your mother write to him on the subject?" asked Lawson Walton. "Just look at this letter," he added, handing the usher a document.

Lady Hartopp glanced at the letter with such evident

casualness that Counsel exclaimed sharply, "Don't be afraid of it."

"I am not a coward," retorted Lady Hartopp with spirit

"We shall see about that," rejoined Lawson Walton grimly, and the cross-examination continued.

"Do you consider that your husband's objection to you seeing Sir John Willoughby was justified?"

"Absolutely unjustified."

"What do you say about your visiting Sir John Willoughby at his Chambers?"

"It was stupid, but there was no harm under the circumstances."

At one point in the cross-examination, Lady Hartopp actually commenced to brow-beat cross-examining Counsel. Lawson Walton was asking about a friend whose identity he did not wish to disclose. The Judge asked him to write the name down. Before doing so, Lawson Walton began, "If, Madam, you know to whom I refer——" when Lady Hartopp interrupted him.

"You heard what his Lordship said," she exclaimed, "write it down."

Lawson Walton was for the moment taken aback but he returned to the attack with renewed zest. "You are welcome to take every advantage you can," he said coldly, "you may want it."

The witness, however, continued to stand her ground and Lawson Walton at one point found himself the victim of his own persistence. He was closely questioning Lady Hartopp as to the presents which she had received during her married life.

"Has any gentleman given you a diamond heart pendant?" he asked.

"Oh, yes," replied the witness calmly.

"What is his name?" rapped out Lawson Walton.

"He is a married man. I would rather not say," answered Lady Hartopp, with some show of reluctance.

"Oh, you must tell us," insisted Counsel.

"Well, my brother-in-law, Mr. Fairfax," said the witness. This reply was greeted with a great shout of laughter, for those in Court had been strained for some startling revelation.

Lawson Walton now shifted his ground. "Did you care for Lord Cowley?" he asked.

"He was a great friend of mine."

"Did he care for you?"

"We were great friends," was the laconic reply.

"You lunched, walked, sat, dined and spent the evenings together and then separated; that is your story, isn't it?" asked Lawson Walton.

"There is a good deal of inaccuracy in what you say," retorted the witness, "if you will take the trouble to ascertain the facts."

Counsel gained ground, however, when he raised the question of Lady Hartopp's offer of £20,000 to her husband for a divorce.

"You thought you could play on his poverty?" suggested Lawson Walton.

"I knew he was in debt," admitted the witness.

"Do you not think it was a most dishonourable thing for you to ask him to allow you to divorce him?" inquired Counsel.

"I now see that it was wrong," parried the witness. "I know more about the law."

"Which law, madam?" was the next unexpected question.

"The law of England."

"You think more about the law of England than Divine Law?" remarked Lawson Walton sternly. "Was it morally right, do you think?"

"I don't think it was very wrong," declared Lady Hartopp.

The respondent had defended herself so well in the

witness-box that no one in Court could have anticipated her father's extraordinary behaviour. The following day, Mr. Wilson stood up in Court and addressed the Judge. "Some protection," he began angrily, "should be extended to my daughter from the studied insolence of yesterday's cross-examination. I fear that her health will give way if she has to endure any repetition of it. It is sufficient degradation for her to be tied to that lying scoundrel." Mr. Justice Gorell Barnes did not treat this exhibition with the firmness which it merited. Mr. Wilson's reference to his son-in-law, a party in the case, was deserving of the strictest censure as a gross contempt of Court. One can easily imagine the biting comments of a protector of Court decorum like Mr. Justice Avory in similar circumstances. The Judge, however, with characteristic gentleness dealt leniently with the offender. "I will see that nothing improper is done in Court," he said mildly. "Lady Hartopp's Counsel are able to protect her." So well, in fact, had Lady Hartopp protected herself that her Counsel did not even re-examine her when Lawson Walton sat down.

Ethel Freestone, the bashful housemaid, was now recalled at the request of the jury, in the hope that she might be prepared to amplify her hints. She remained obdurate, however.

"I saw nothing, no more than I have said," she chanted.

"What did you mean by 'not behaving properly'?" asked the foreman.

"I know no more than I have said."

"Are you speaking the truth when you say you saw nothing improper?" insisted the zealous foreman.

"I saw nothing wrong."

"I am afraid we can get no more out of this witness," commented the foreman.

Lord Cowley, who had recently been hurt in a hunting accident, now walked painfully into the witness-box.

He denied ever having been in Lady Hartopp's boudoir after dinner in his life. Lawson Walton submitted the co-respondent to a gruelling cross-examination, in the course of which Lord Cowley's previous matrimonial experiences were not glossed over. Lord Cowley admitted that he had previously been charged with adultery. "And she also was a hunting friend of yours, was she not?" commented Lawson Walton grimly.

Several servants then gave evidence indicating that there was nothing to suggest any improper relationship or understanding between Lord Cowley and Lady Hartopp. The case for the defence closed with the evidence of several intimate friends, including the Marquis of Cholmondeley, The Hon. Francis Lambton and the Earl of Essex. All gave evidence of visits on which they had never detected the slightest impropriety or undue familiarity of manner between Lady Hartopp and the co-respondent. If the case for the petitioner did not appear to be strong, the cross-petition seemed even flimsier. Lady Hartopp denied adultery with Lord Cowley with whom she had, at least, been on terms of friendship. Sir Charles was now charged with having committed adultery with Mrs. Sands, an accusation which rested on the unreliable evidence of former servants and cabmen. The danger of Sir Charles's position was that Mrs. Sands's reputation was such that evidence of visits might lead to a presumption of adultery.

Sir Charles and Mrs. Sands were, however, excellently served by their Counsel. Lawson Walton and his former pupil, Rufus Isaacs, were now to pull apart the structure erected by a private detective.

The first witness was an old woman who had formerly been employed by Mrs. Sands. This witness, Mrs. Alice Taylor, declared that she had seen Sir Charles Hartopp enter Mrs. Sands's bedroom. She went on to say that she had once taken a telegram to Mrs. Sands at the Café Royal. The following day Mrs. Sands had told her that

the telegram was from Sir Charles Hartopp, adding, "He is no good, he has no money; it is money I want."

Lawson Walton demolished this evidence with ease. He questioned Mrs. Taylor regarding a photograph of Sir Charles which she had attempted to procure from a former servant.

"You only wanted the photograph to increase your art collection, I suppose?" suggested Lawson Walton ironically, "and not for the purpose of identifying Sir Charles?"

"Yes, that is all," was the over-eager reply.

Lawson Walton now produced a letter which, he alleged, had been written by the witness to another former servant. "Kindly let me know by return of post," said the letter, "if Sir Charles Hartopp went to the Derby with Mrs. S. . . . if you will be so kind I will make it well worth your wile [*sic*]. Yours sincerely, A. S. Taylor."

"I don't recognize either the handwriting or the contents of the letter," declared the witness.

"Just look at it again, carefully," said the Judge.

"I did not write it. I swear it on my oath," insisted Mrs. Taylor.

Lawson Walton was not to be fobbed off by senile mendacity and the witness was asked to copy out the letter in her own handwriting. The result of her efforts justified Counsel's persistence. The verbal coincidences were unmistakable. "Let" was written as "lett" and "haste" as "heast" and there were other vagaries of a similar nature.

The witness proved no more reliable concerning other matters which were brought to her notice. Asked about several visits to various seaside hotels, she became reticent. She did not know who had arranged the visits for her or who had paid the expenses!

"Who was the guiding spirit of these excursions?" asked Lawson Walton.

"I don't know," muttered the old woman.

"Who took the tickets and paid the cabs?"

"Not me," cried Mrs. Taylor. At this point the witness fainted and had to be assisted from the Court.

On her return she was cross-examined by Rufus Isaacs, who proceeded on the lines laid down by his learned friend. There was little point in bullying a hopelessly discredited witness and Rufus sealed her fate with a few gentle, but telling, questions. The effect of the cross-examination was cumulative and damning and the first evidence for the cross-petition had been shown to be completely unreliable.

Many of the witnesses who followed were exposed with equal success. The private detective and his satellites had worked hard, but they had reckoned without a thorough cross-examination of the tutored evidence. Several cab-drivers stated that they could identify Mrs. Sands and Sir Charles Hartopp as former fares. One of these men said he had driven the couple to Romano's, the Prince's Restaurant, the Empire, and other places of entertainment. A driver named Henry Summerfield admitted that he had called at Mr. Charles Wilson's house in Grosvenor Square. Rufus Isaacs approached this witness with studied moderation and pricked his evidence with two questions.

"How came you to call on Mr. Wilson?" he asked gently.

"I don't know," replied Summerfield. "I found his name in the directory."

"No thought of money ever entered your head?"

"No, never," said the cab-driver.

Sir Charles Hartopp now entered the witness-box to give evidence on the cross-petition. He strenuously denied adultery with Mrs. Sands. He had never taken her to public restaurants, and had never been to her house, or been in a cab with her. He had been introduced to her at the Savoy and had once met her lunching at the

Imperial Restaurant. On that occasion, he explained, his fox terrier had put its paws on her dress and he felt bound to apologize. Sir Charles remained unshaken under Sir Edward Clarke's cross-examination and his confident demeanour created a good impression.

Another important witness was Edward Sargent, the husband of one of Mrs. Sands's former servants. He recalled a visit which the zealous private detective had paid his wife. Mrs. Sargent was told that it would be £100 in her pocket if she could identify a photograph as being that of Sir Charles Hartopp, and could further state that Sir Charles had visited Mrs. Sands.

Rufus Isaacs now called his client, Mrs. Sands. Although he and Lawson Walton had so thoroughly drubbed the witnesses on the other side, he was aware that much depended on his handling of Mrs. Sands. The actress's reputation would not be spared in cross-examination and the jury might well be prejudiced against her.

Mrs. Sands's passage to the witness-box led to a dramatic incident, for Lady Hartopp rose to her feet with great deliberation and, accompanied by her mother, stalked indignantly out of the Court. Rufus Isaacs soon smoothed away any distress which this incident might have caused his client. Speaking in an exquisitely urbane manner he steered Mrs. Sands through her story. She denied that she had ever received a telegram from Sir Charles and corroborated the latter's testimony in every material particular. Rufus Isaacs's preparation of the case had been so thorough, and his approach had been so methodical, that he sat down confident that Mrs. Sands would be acquitted of the charge of adultery. His tactful handling of the examination had, moreover, fortified his client, who now stood up bravely to cross-examination.

"Do you say you have been leading a quiet and respectable life?" asked Mr. Inderwick.

The witness refused to rise to the bait.

"No," she replied quietly, "I do not say that."

On the tenth day of the trial Rufus Isaacs rose to address the jury on behalf of Mrs. Sands. His final speech was in great contrast to the calm questioning which had preceded it. He began his speech by stressing the attitude which his client had adopted throughout the proceedings. "She has come forward and has not posed—for indeed she is not entitled to pose—as a woman of irreproachable character. Do not forget that every attempt has been made as far as possible to deter her from taking any part in the proceedings. Consider what sort of case it is that this lady had to meet. . . . All that money could do in searching every nook and cranny has been done; and what has all the investigation brought to light? Nothing except the vaguest evidence." Rufus Isaacs then proceeded to remind the jury of the calibre of the evidence for the cross-petition. Nine out of ten advocates would, at this juncture, have used all the invective at their command to belabour the hastily-collected witnesses of the other side. Ever a master of under-statement, Rufus destroyed them in a sentence: "I will say that the workings of their minds has been lubricated, for even the scent of money in the air renders some people's consciences more elastic." His voice took on a note of feeling as he concluded his appeal for Mrs. Sands. "A history and a past," he reminded the jury, "are great deterrents for keeping persons from the witness-box, because they fear the raking-up. She has a history and a past, but it has not kept her from the box. Every effort was made to prevent her from going into the box, but she went, hard as it must have been to her, with the knowledge of the sins she has committed, and she has given her denial of her guilt with Sir Charles. The mere fact that she has for a time not been leading a proper life does not disentitle her to be believed in her denial that Sir Charles has committed adultery with her."

This speech was received with such a shout of applause that the Judge threatened to have the Court cleared. The other Counsel followed and on the thirteenth day of the case, Mr. Justice Gorell Barnes proceeded to sum up. His Lordship's exhaustive analysis of the evidence left little doubt as to the verdict. It seemed to his Lordship that there was "little evidence of personal familiarity in the case, except that Lord Cowley and Lady Hartopp used to address each other by their Christian names; but," pointed out his Lordship, "in the jolly state of sporting good-fellowship Christian names and nicknames fly about like brickbats among both peers and commoners." As to the counter-petition, the Judge warned the jury to accept with caution the evidence of servants and paid detectives. Thus spoon-fed, the jury found that neither Sir Charles nor Lady Hartopp had committed adultery and the petition and cross-petition both failed.

The sequel to a Divorce suit is not infrequently of more interest than the actual proceedings. The negative result of the protracted litigation was not to be the final solution of the Hartopp marriage problem. The marriage was dissolved in 1905, and Lady Hartopp then married the dashing owner of Baggrave Hall. This marriage was not a success and Lady Hartopp divorced Lord Cowley in 1913. Not the least interesting aspect of this sequel is that Lady Hartopp's petition against Lord Cowley provided an early brief for Gerald Rufus Isaacs.

Fierce denials of adultery are not infrequent in the Divorce Court. Early in 1903, however, Rufus Isaacs appeared for a couple who strenuously insisted that they had committed adultery. The circumstances surmounting this rare plea led to the Gordon Custody case, perhaps the most fantastic page in the annals of the Divorce Court.

The case arose out of the matrimonial misadventures of a young American widow named Margaret Close. This lady met Lord Granville Gordon, heir presumptive

of the Marquis of Huntly, and became deeply attached to him. Lord Granville was also attracted by the handsome young woman, but being married already he was unable to offer her more than an illicit affection. In the course of time Mrs. Close became his mistress and matters might well have rested there had not Lord Granville's cousin, Eric, fallen hopelessly in love with the young widow. Eric was some ten years younger than his cousin, with whom he was on intimate terms. The two men had frequently shot together and had on one occasion spent several weeks in Norway. Apart from some physical resemblances, however—both men were tall and military-looking—the two cousins appeared in an entirely different light to Mrs. Close. Lord Granville Gordon had firmly established himself in the widow's favour, while his cousin could not but appear to be a little youthful and immature in comparison. Eric, moreover, was poor and added to a meagre allowance by working in a stockbroker's office. Not unnaturally, therefore, Margaret Close at first rejected his advances and contented herself with the unsatisfactory rôle which Lord Granville's position prescribed for her. Eric Gordon, nevertheless, persisted in his advances and the lady finally agreed to marry him. She was careful to point out, however, that she would not give up Lord Granville Gordon. This proviso was subsequently to be the subject of much dispute. For the present, Eric Gordon made no difficulties. "Darling," he wrote to his bride, "my ma liked you very much. She said you had very pretty manners and were very shy. . . . She said it was too dark to see what you were like as far as looks were concerned. Here endeth the first lesson! Please don't worry yourself at anything Granny (Lord Granville Gordon) says and don't make yourself unhappy about him. *You shall see him as much as you like some day.* I will come to tea to-morrow. Sleep well, darling, to-night. Yours always, Eric."

The couple were married in August, 1894, and for a time matters went smoothly. After the honeymoon, however, Mr. and Mrs. Eric Gordon never occupied the same bedroom except when they were visiting at friends' houses. Lord Granville Gordon stayed with them a good deal and occupied a room adjoining and communicating with Mrs. Gordon's room, while Eric occupied a room at the other end of the house. The stage was set for a *ménage à trois*. Eric was away all day on the Stock Exchange and his cousin stayed three or four days at a time. From October, 1897, to March, 1898, Mr. and Mrs. Gordon occupied a house belonging to Lord Granville for which they paid no rent.

In 1899, Mrs. Gordon gave birth to a daughter who was named "Cecily," after the heroine of a poem of which Lord Granville Gordon was very fond. More significant was the fact that Mrs. Gordon sent for Lord Granville six hours after the birth, while Eric kept away from the house. Tongues began to wag feverishly, but Eric Gordon was unable or unwilling to believe that his wife and cousin were guilty. Matters came to a head in 1900, when Lady Granville Gordon died. The lovers now made no secret of their relationship and Eric was forced to take action. In November, 1901, he obtained a decree nisi and was given the custody of the child. Margaret Gordon married the co-respondent, Lord Granville Gordon, on August 5, 1902, at the British Consulate, Dieppe. This was not, however, to be the last chapter. The guilty wife had always understood that Eric Gordon would not enforce the order of the Court giving him the custody of the child. She had, therefore, taken her daughter abroad with her. Eric Gordon, however, had every intention of securing his rights and began to take active steps to enforce them. The new Lady Granville Gordon had, it seemed, no doubts as to the paternity of the child and strenuously insisted on keeping her. "Eric—I hear you

really intend to take my child and keep me out of England," she said in a letter written shortly before her marriage. "Have you really thought what misery you are causing? I swear baby is Granville's child, and if this is not the truth she may die to-day; it is absolutely the truth, and she is my whole world. If you take her, I shall not marry and it will probably soon kill me, which will be a good thing. For God's sake have a little mercy on me. . . . I swear it was impossible." Eric refused to give up his rights and applied to the Divorce Court for an enforcement of the order. His former wife refused to yield without a struggle and applied for a variation of the order.

The case came up for hearing in the Divorce Court before the President, Sir Francis Jeune, on February 15, 1903. Henry Duke, K.C., who was later to grace the Division as Lord Merrivale, led for Eric Gordon, while the Granville Gordons were represented by Bargrave Deane, K.C., Rufus Isaacs and Mr. Barnard. It was to be a hard-fought and protracted struggle, which is not surprising in view of the complexity of the issues involved. The legal position requires, perhaps, some explanation. Eric Gordon had been awarded the custody of the child as the successful petitioner in an undefended suit. Although Lady Granville insisted that the child was not his, it was for her to prove this fact conclusively, since there is a legal presumption that every child born in lawful wedlock is legitimate. The fundamental issue, however, resolved itself into the question, What was in the best interests of the child? Eric Gordon was, of course, in a very strong position in suggesting that a guilty wife and her paramour should not have the custody of the child. The child's mother pleaded, however, that the petitioner had connived at adultery and was therefore not a suitable person to have the custody. She suggested that the marriage was contracted with the proviso that she should continue to

be Lord Granville Gordon's mistress, and that after the honeymoon she had not attempted to conceal her relations with the co-respondent. Her whole case, therefore, hinged upon Eric Gordon's attitude to his cousin and his wife after the marriage. If the Granville Gordons could prove Eric a *mari complaisant* it would not be difficult to persuade the Court that he was an unfit person to have the custody of the child. In order to keep her daughter, Lady Granville Gordon had, therefore, to undergo the ordeal of strenuously proving her adultery in order to discredit her former husband.

Bargrave Deane opened the case for Lady Granville Gordon, who entered the witness-box on the second day. She was examined by Rufus Isaacs, whose careful questioning guided her through the story of her marriage and her relations with Lord Granville Gordon. The witness gave her evidence with a composure which was remarkable, in view of the fact that Lord Granville Gordon and his cousin both sat in the front row only a few yards away. Her frank admissions, however, laid her open to severe cross-examination and Henry Duke was equal to his task.

"In January, 1901," began Counsel, "you wrote to your husband desiring him to come to you, and the inducement you held out to him was that if he came to tea he would see the child?"

"Do you think," interposed the President, "that when you wrote that, he believed it was not his child?"

"Yes, certainly," replied the witness calmly.

"Oh, don't talk like that," said the President with some irritation.

Sir Francis Jeune had been put out by Lady Granville Gordon's composure. He was equally exasperated by what he heard from the respondent's sister, Mrs. Graves.

"If you thought your sister was committing adultery," said Duke, "did you think it sisterly not to say anything about it?"

"I did not think it my place to say anything," replied the witness. "I was on friendly terms with Mr. Gordon. I said I was awfully sorry."

"Said you were awfully sorry, indeed!" exclaimed the President. "Was that all you said?"

"What else could I say?" retorted Mrs. Graves.

"Say, Madam! I think I could tell you pretty clearly," said Sir Francis.

Duke continued his cross-examination: "Why could you not have said to Mr. Eric Gordon: 'Don't you see what's going on here?'"

"I should have said it to my sister if to anyone."

"Well, what did you say to your sister?"

"I do not remember."

"Do you expect me to believe that?" observed the President.

"I am very sorry," replied the witness, "but it is true."

Rufus Isaacs could see that the President was not regarding the respondent's case with any favour. He was, however, determined to contest every inch of the ground. His re-examination of Lady Granville Gordon was notable for the skill with which he approached the delicate issues. Rufus read out the letter which his client had written to Eric Gordon denying that the child was his.

"Were those statements true?" he asked Lady Granville.

"You cannot ask that," said the President sharply. This objection was perfectly just, but it was essential to indicate the views of the mother.

"Then I will alter the form of the question," said Rufus Isaacs. "Did you at the time you wrote that letter believe those statements to be true?"

"Most certainly I did," said the witness, and Rufus was satisfied that he had made his point.

Lady Granville Gordon's former maid followed her mistress into the witness-box. Rufus skilfully extracted

the admission that she had not spoken to Mr. Gordon about his wife's conduct because she thought he was aware of what was going on. It was an excellent point in his favour and he did not lose his advantage by enlarging upon it.

The next witness, Mrs. Frances Nias, proved a doubtful asset to the respondents' case. She said that she was staying with Mr. and Mrs. Gordon immediately before the birth of the child, and that Eric often left Lord Granville and herself to keep his wife company. This witness did not fare too well under Duke's searching questions.

"Would you have visited at that house if you had known these people had committed adultery?" he asked.

"I do not think——" began the witness.

"Would you have gone?" said Duke sharply.

"I would not."

"When did you come to a conclusion on the subject?" asked Counsel coldly.

"Very soon after I went to the house."

"And what induced you to remain?" inquired Duke.

"The respondent was so utterly miserable and prostrated by the recent death of her sister. I came to the conclusion that Lord Granville Gordon was the father of her child."

"And believing that, madam," remarked Duke sternly, "you continued to sit at the table daily, morning and evening, with Mr. Gordon."

"It was not for me to raise objections," replied Mrs. Nias. "I knew he knew."

"That makes it fifty times worse," commented the President.

"Why did you not complain to the petitioner that decency must be observed in the house?"

"I thought it was," murmured the witness naïvely.

"What!" cried the President.

Duke was content to leave his cross-examination on the note of judicial disapproval.

"I will not trouble you further, madam," he announced.

Rufus Isaacs was in an exceptionally difficult position. The nature of their evidence had clearly discredited the Granville Gordon witnesses without incriminating Eric Gordon. Rufus perceived that his only chance lay in discrediting the petitioner. He now proceeded calmly and unhurriedly to cross-examine Eric Gordon. The latter, examined by his Counsel, had denied that he had been aware of intimacy between Margaret Close and his cousin when he married her. He had always trusted Lord Granville and believed at the time that it was merely a slight flirtation. Rufus questioned the witness closely as to the letter he had written his fiancée stating that he saw no reason why she should not continue to be friendly with his cousin.

"What was the necessity for postponing his visits?" he asked the witness. "You wrote 'You shall see him as much as you like some day.'"

"After our marriage, I suppose."

"Were his visits to cease during your engagement?"

"Not as far as I know."

"Then their relations were never to be interrupted?" remarked Rufus smoothly.

"Not as regards their friendship."

"But what other relationship was there?"

"None that I was aware of."

Truth to tell, there was little headway to be made against Mr. Eric Gordon. Stolid and patient, he had not the ordinary witness's fatal tendency to embellish his answers. Rufus Isaacs's keen questions, however, now and then found their mark. The petitioner had stated that when he heard rumours about his wife he had spoken to her on the subject.

"Did it not occur to you," inquired Counsel, "that in

the interests of your wife's reputation it was desirable that his (Lord Granville's) visits should be less frequent?"

"No," replied Eric Gordon. "I had such faith and trust in my wife and him that I did not."

"You might be satisfied," commented Rufus Isaacs, "but a censorious world would not. You were anxious for your wife's reputation, but you did not forbid him the house, although his own wife was quarrelling with him about your wife?"

"It never occurred to me, but I see now it would have been wiser if I had done so."

Later the witness said that it had never seemed undesirable that his cousin should stay at his house.

"Yet you were thirty years old," exclaimed Rufus Isaacs, "and had for many years been on the Stock Exchange?"

The cross-examination continued.

"If an intimacy were in progress unknown to you, were you not put to sleep in the room in which you were most unlikely to discover what was going on?"

"I don't think so."

"While the respondent and co-respondent occupied rooms most suitable for their purpose?" continued Rufus Isaacs. "Was not the room he occupied the one you, as the lady's husband, should have occupied instead of being given over to a stranger?"

"I did not consider him a stranger."

"I agree," murmured Rufus Isaacs.

In spite of his thorough questioning Rufus knew that he was fighting in a lost cause. The President had already dropped a significant hint when he said: "*I* may think that there was an immoral intimacy going on, but it does not follow that Mr. Gordon did so." Nevertheless, Rufus Isaacs continued to fight strongly.

"Looking back upon your conduct now," he said, "does it not occur to you that you ought to have taken more care of your wife's reputation?"

"It was weak of me," admitted the witness.

Rufus Isaacs asked his last question in a quiet tone. "And your wife," he said, "was always a devoted mother, passionately attached to her child and the child to her?"

"Yes," agreed the witness.

The doctor who had attended Lady Granville Gordon now entered the witness-box. He said that Mr. Gordon had shown great anxiety throughout his wife's ordeal and never appeared to doubt his paternity.

"Is it not usual for a woman who has been confined to ask first for the father of her child?" asked Rufus Isaacs.

Duke objected to the question and Rufus agreed to abandon it.

"You may ask it of me," suggested the President.

"No," said Rufus smilingly, "your Lordship is not an expert."

The petitioner had conducted himself excellently in the witness-box and it was clear, even before Duke made his speech, that the Granville Gordons would be defeated. Henry Duke's brilliant speech made victory for his client inevitable. "In spite of the shameless confessions which have been made by the other side, I submit that the petitioner is entitled to leave this Court with the reputation he has always borne of being an honourable, upright and clean-minded English gentleman." He paused impressively. "Who are the people who are seeking to deprive the father of the custody of his child, which has been given to him by the Court? Are they entitled to deprive the petitioner of his rights on the ground that they were parties to revolting and infamous immorality? Picture the family life of Mr. Eric Gordon, and review the evidence of those among whom he has been brought up. Contrast that family circle with the one to which it is proposed to consign this little child. . . . If morality is not a mere mask is it possible that the Court can order the custody of a little

girl to be given up to such people who have based their claim upon conduct of which no living being in this country would not be ashamed. It is said that the lady is actuated solely by maternal instincts—but what object can the petitioner have in claiming the custody of his child except the highest motive a man can have, namely, that of discharging his duty towards his charge.”

Duke summarized his case in two stinging sentences. “On the one hand,” he said, “we have a man and a woman, the one content to share, not the affections, but the enjoyment of his mistress with another man, the other ready to forswear herself to continue that gratification. On the other hand, there is a young man twenty-eight years of age, a dupe but foolishly enamoured of a woman older than himself: and this is said to reflect such degradation upon the dupe as to disentitle him to the custody of his child, and it is suggested that because he was a member of the Stock Exchange he ought to have had special intuition as to the frailty of women.” Duke concluded his eloquent plea by reminding the Court that if any question should arise concerning a home for the child, the petitioner’s sister and his mother were willing to undertake that responsibility.

This speech was received with an enthusiasm which left little doubt as to the sympathies of the spectators. Public interest quickened, however, when it became known that Rufus Isaacs was to have the last word. He had become famous as an advocate who excelled in fighting apparently hopeless battles. The atmosphere changed from one of dramatic intensity to one of curiosity as Rufus Isaacs rose to make his final speech. It seemed that no reply was possible to Duke’s vigorous denunciation. Lady Granville Gordon had long since lost her composure. She now sat listening anxiously to her Counsel. Duke’s passionate speech had thrilled and excited those in Court. Rufus Isaacs made a very different impression. His

speech was the clear, concise and well-reasoned appeal of a practical man of affairs. Here was no occasion for emotional appeal. The President's sensibilities had already been outraged by the witnesses for the respondents. Rufus Isaacs decided to rest his plea on close-cropped reason.

He began by reminding the Court that the crucial question was, what were the best interests of the child? There was, he submitted, no hard and fast rule. In one case custody had been given to a guilty husband. In the case now before the Court the child was in delicate health and should not lightly be withdrawn from its mother. Without seeking to palliate or excuse Lady Granville's conduct, Rufus won sympathy for his client by stressing the devotion to her child which had prompted her to come forward and submit to the ordeal of cross-examination. His arguments concluded with one last effort to show connivance on the part of Eric Gordon. "Directly he returned from his honeymoon," said Rufus Isaacs, "the visits of Lord Granville Gordon were continued. How can it be supposed that he, a young man of twenty-eight, was ignorant, when he had been asked before marriage as to the continuance of those relations and when he knew of the daily visits to the house? How can he say that no thought of evil crossed his mind? How is it possible that a husband should allow his bride to resume her intimate relations with her lover on her return from the honeymoon?"

The President had noted the weak points in Lady Granville Gordon's case, and now gave a perfectly lucid, but damning, summary of his conclusions. "There was no evidence to show," said Sir Francis, "that Eric Gordon was away from his wife at the date of the conception." He supported Duke's plea that if Eric Gordon did not believe he was the father it was difficult to see why he should have fought this battle. Not a single instance had been proved to show that Eric Gordon must have known

of his wife's misconduct. The learned President therefore ordered that the child should be delivered up to her father at noon on March 11.

The last chapter of the Gordon custody case was, perhaps, more pathetic than anything which had gone before. When Eric's father, Colonel Gordon, accompanied by a nurse, called for the child they found that they were too late. Immediately after Rufus Isaacs's speech, but before judgment was delivered, Lady Granville Gordon hired a tug at Tilbury and proceeded with her child to Dunkirk. But the arm of the Law is long and Lady Granville Gordon's last effort to keep her child failed. A day or two later the Court granted a writ of attachment and committal against her.

Very different was the trial of Whitaker Wright in 1904. It was undoubtedly the most sensational of all the financial cases in which Rufus Isaacs took part and it was mainly due to his phenomenal mastery of figures that Whitaker Wright had to answer for his high finance at the Bar of Justice. Rufus Isaacs had shown in his early days at the Bar that he had the special qualities required for commercial work. In the course of time he had supplemented his natural acuteness with a remarkable mastery of forensic technique. There were, nevertheless, many who doubted if he could bring to the ground the enormous frock-coated figure whose name had been almost a talisman in the world of finance.

Whitaker Wright was born in Cheshire, of middle-class parents. He studied chemistry in his earlier days but could find no suitable opening in this country. He therefore emigrated to the United States and soon turned his knowledge of chemistry to account. He became an assayer and speculated successfully in various mining enterprises. After a time he settled in Philadelphia, where he married, and promoted the Sierra Grande Silver Mine.

He soon turned his attention to Wall Street and so successful were his operations that, at the age of thirty, he was popularly supposed to be a dollar millionaire. His ingenuity could not always be reconciled with the penal code. In 1889, his operations in respect of a coal company's transactions looked like involving him in trouble. He therefore decided to return to England and seek new financial fields. He could not have arrived at a more propitious moment. The West Australian gold boom was then at its height, and the public were alert for gilt-edged invitations to subscribe. Mining had made Whitaker Wright's first fortunes and he was not slow to anticipate the public demand. In 1894, he promoted the West Australian Exploration and Finance Corporation and, a year later, the London and Globe Finance Corporation. Three years later he amalgamated these two companies into one concern, with a capital of £200,000,000. Meanwhile he had not been idle. His Lake View Consols were paying millions in dividends, and his prestige in the world of finance had grown enormously. Men began to say that he possessed a Midas-like touch. Even the astutest brains in the City were caught up in the suction of this wizard's self-confidence. Through his prestige visions became booming companies and his veriest nod sufficed to give fantasy a tangible and highly lucrative shape.

The social eminence which had come with success filled Whitaker Wright's enormous head with dreams. Dissatisfied with his house in Park Lane, he bought a country seat at Lea Park, near Godalming, for £250,000. It became one of England's show places. Whitaker Wright spent a million in reconstructing it. Great armies of workmen were employed to build the artificial lakes and grottoes which he was never tired of commissioning. The enormous grounds were studded with silvery lakes from which sprang marble fountains. Under one of these innumerable artificial lakes was a fishing-pond and a

billiard-room. Under the surface of another he built a glass-roofed conservatory. Sculptors were specially imported from abroad to construct the fountains. The house itself was filled with rare furniture, but the owner had found room for a private theatre, which cost £15,000 to build. The stables were perhaps the most fantastic product of this man's swirling imagination. They held fifty horses and would only have been built by one without any sense of the value of money. The ceilings were of moulded plaster showing in relief scenes of the chase. The fittings were entirely of gun-metal. Deep-cushioned oak settees were placed in the stables so that the horses might be admired in comfort.

While Whitaker Wright was listening to the fountains at Lea Park, his great City edifice began to crack. The London and Globe had heavily financed the Baker Street and Waterloo Railway, which was subsequently to prove such a success as the Bakerloo Tube. All its ready capital was locked in that vast venture which had not yet justified itself. Stocks had depreciated after the Boer War and Whitaker Wright found himself forced to borrow for his other operations. The "bears," however, were attacking too strongly, and Whitaker Wright began to decorate his balance-sheets. The Marquis of Dufferin, a former Viceroy of India, had become Chairman of the London and Globe and unsuspectingly addressed the shareholders, in 1899, from notes obligingly prepared for him by Whitaker Wright.

The balance-sheet purported to show a profit of half a million, which was arrived at by inserting in the credit side, "By shares in secondary companies, £2,332,632 *os.* 1*d.*" The artistic inclusion of that penny was further evidence of Whitaker Wright's eye for detail. In actual fact, the Globe had that year lost three-quarters of a million, whilst the Standard had lost a quarter of a million. To tide over the bad time and to allay suspicion, Whitaker Wright had

declared an altogether illusory dividend for the Globe. As he was in supreme control of all his concerns he found no difficulty in starting paper transactions between the Globe, the Standard, and the British America. Liabilities were transferred from one company to the other, while Whitaker Wright transferred from himself to himself, in different capacities, money, credits and shares. What was simpler than to inflate the balance-sheet of a company by creating bogus assets? Cheques were interchanged between the companies without a single penny actually passing.

For a time, Whitaker Wright succeeded in staving off disaster. The shares held by the Globe were stated in the balance-sheet to have twice their value, whilst there was no mention of liabilities amounting to over a million and a half. The great network of companies, interrelated and centralized, made detection difficult but, nevertheless, inevitable. In December, 1900, the Globe crashed, and with it the Standard and the British America. Panic shot through the Stock Exchange and the companies were ordered to be wound up in 1901. After protracted liquidation proceedings, only a tiny dividend could be squeezed out for the immediate creditors. Rufus Isaacs appeared in these proceedings, and secured his first glimpse of the man he was to cross swords with three years later. The spell had broken and Whitaker Wright was, for once, unable to explain away his balance-sheets. It became obvious that Wright had published false balance-sheets, but it was by no means so obvious that he could be brought to book. The Attorney-General, Sir Robert Finlay, could not bring himself to sanction a prosecution, and his reluctance was fortified by the support of the Solicitor-General.

The London stockbrokers, who had lost a million and a half, were by no means disposed to overlook Wright's desperate gambling. Questions were asked in the House

suggesting that Whitaker Wright should be prosecuted, and a body of stockbrokers were, moreover, determined to expedite the proceedings. They therefore applied to Mr. Justice Buckley, a great Chancery Judge, and obtained sanction for a prosecution to be paid for from the remaining assets of the Globe.

Meanwhile, Whitaker Wright had heard the distant thunder. Early in 1903, he left for Paris and, as a result of a telegram from his wife, boarded a boat for New York. The terms of the telegram amply justified his decision: "Every thing looks bad. Case for prosecution settled. Wire result." Extradition proceedings followed and on January 11, 1904, Whitaker Wright stood his trial before Mr. Justice Bigham. The case was tried in the King's Bench Division and not at the Old Bailey, because defending Counsel knew that Wright would stand a better chance with a special jury and a Judge who had an intimate knowledge of Stock Exchange operations. Thus Whitaker Wright sat in the well of the Court, and not in the dock. He looked the embodiment of successful finance as he sat with his advisers, wearing a well-fitting coat and a tall starched collar. In spite of his outward composure the financier must have felt a little nervous at the array of Counsel briefed by the prosecution. Rufus Isaacs had been briefed to lead the attack. He had already represented the Official Receiver in the liquidation proceedings, and was completely familiar with the most intricate aspects of the case. Beside him sat Guy Stephenson (later Assistant Public Prosecutor) and the two men who were subsequently to grace the High Court Bench as Mr. Justice Avory and Mr. Justice Branson. On the other side sat the capable trio briefed by the defence, Lawson Walton, Rufus's old leader, Richard Muir and Felix Cassel.

The trial lasted a fortnight and, in spite of the technical nature of the case, the Court was crowded every day.

In few other cases have the walls of a Court contained such a mass of documents and books.

Rufus Isaacs's opening speech for the prosecution lasted five hours. Saturated as he was with the details of the case, he yet contrived to paint a clear and easily recognizable picture of the facts.

This speech was a model of lucidity and calm force. Evenly and persuasively, with rare references to a note, he outlined the indictment against Whitaker Wright. The latter thoughtfully stroked his goatee beard, but his eyes never left the face of the man who was so calmly condemning him. Rufus Isaacs moved smoothly through the maze of ledgers and amalgamations, indicating the manner in which Whitaker Wright had covered up his tracks. The main charge against Wright was that he had knowingly made false statements with regard to the London and Globe Company and other companies, with intent to defraud shareholders and creditors. Rufus Isaacs analysed the balance-sheets and clearly emphasized the omissions. He was temperamentally suited to the handling of a complex case, and those in Court marvelled at the sure-footedness with which he moved between balance-sheets. Patiently and with great skill, he showed that the alleged cash balance of £534,455, in 1899, had evolved from a paper transaction and that an item marked "Cash in the Bank" represented loans from the bankers.

Avory was well prepared to receive the baton from Rufus Isaacs. His remarkable self-discipline and clarity of mind had made him widely feared as a prosecuting Counsel. He was, moreover, completely at home in a long and wearing case requiring an eye for essentials. The future Judge now examined accounts and statements, and steered clerks and officials through the maze of figures.

At the end of the first week, Whitaker Wright was put into the witness-box. He was offered a seat, but preferred to stand, and leaned forward with his arms on the box.

Lawson Walton found him a splendid witness. He answered questions swiftly and naturally, declaring that his manipulation of the balance-sheets was not criminal. The 1899 balance-sheet had been legitimately readjusted, while he had omitted the liabilities in the 1900 balance-sheet in an effort to save the Globe shareholders from the "bears."

Rufus Isaacs's cross-examination in this case was masterly. His struggle with Whitaker Wright lasted nearly two days. At first, the financier showed great dourness. "You will never get me to the crack of doom," he said in his deep burr, "to admit that there is anything the matter with the 1899 balance-sheet." It was a rash prophecy. Under the merciless battery of questions, the stocky figure began to tremble. He was soon grateful for the seat which he had refused earlier in the proceedings. The relentless thrusting told at last. He began to make damaging admissions and lost his self-confidence.

"Things look very different years after they have happened," he cried. "I'll guarantee to go to the Bank of England and twist and distort anything, years afterwards."

Throughout the deadly cross-examination which followed, the Court was thronged with members of the public and young Counsel in robes, who had come to hear Rufus Isaacs. Although few of the spectators could understand or follow the closely-packed questions, everyone in Court felt that here was no ordinary struggle between Counsel and witness. There was, indeed, something of the bull-ring in the encounter. In the arena was a powerful beast, the muscles of whose neck were like a buffalo's. His breathing had become stertorous and his head was low. Rufus Isaacs looked the traditional matador, lithe, clean-shaven, and with Roman features. As he played this bull, he seemed unconscious of the spectators. He swung his *capa*, the balance-sheet of 1899,

with confidence but he could not afford to take risks. His eyes never left those of the man who stood before him. He made his passes with great skill, ever ready to lunge forward.

"You received money as Chairman for one Company from yourself as Chairman of another?" asked Rufus Isaacs quietly.

Whitaker Wright stopped within a few feet and sniffed suspiciously. "I don't like that way of putting it," he said. "The money was paid by one Company to the other."

It was a lame answer and was greeted with laughter by those in Court. Rufus Isaacs now questioned Wright as to his omission to record transactions in the minutes. At last, stung by the pitiless swarm of questions, Whitaker Wright cried, "Would you like me to be Chairman and Secretary and everything?"

"No," said Rufus gravely. "I think you were quite enough."

But the man in the box had an assailant even more deadly than either Rufus or Ivory. The jovial red-faced Judge was against him from the beginning, and it was noticed that his frequent witticisms were invariably at the prisoner's expense. One witness said that Whitaker Wright had prophesied that the market was going to rise more and more.

"And at the end of the month there was a slump?" put in the Judge.

At one point Rufus Isaacs referred to a deal in exchange shares between the Standard and the British America. "If the Standard had chosen they could have demanded cash," explained the financier, "but it would not have been expedient."

"No," agreed the Judge dryly.

Later Lawson Walton protested that the Judge's "eliciting of merriment" from the Gallery tended to



"RUFUS"

From the Spy Cartoon, *Family Fair*, Feb. 18, 1904

By courtesy of The National Magazine Co., Ltd.



Lord Reading hearing his first case as Lord Chief Justice, in 1913

Topical

prejudice the jury. He was on his feet more than once in the course of Rufus Isaacs's cross-examination, but the latter remained unperturbed by the frequent interruptions. His cross-examination was at last beginning to penetrate Whitaker Wright's defences. Questioned about the loss of £750,000 on Lake Views, Wright became evasive.

"Did you want to disclose the true state of affairs?" asked Rufus Isaacs.

"I did not wish to disclose the true state of affairs with regard to every operation of the market."

"Did you wish to keep from the meeting the loss of three-quarters of a million on Lake Views?"

"It was well known."

"There was no reference to that loss at the meeting of 1900?" continued Rufus Isaacs.

"It did appear in the figures given," answered the financier.

The Judge now took a hand in the cross-examination. He began to question Wright concerning the postponement of the issue of the balance-sheet from September to December, 1900.

"It did not suit the purposes of the Globe to make its balance-sheet earlier?" suggested his Lordship.

"That is so."

"Between September 30 and December 5, 1900, it appears that securities of the face value of £1,200,000 were created by the Globe," commented the Judge.

"Not 'created,' but issued," corrected Whitaker Wright.

"These things were not in existence on September 30," insisted his Lordship.

Whitaker Wright nodded.

"Then in their present form they were created," declared Mr. Justice Bigham, "and a balance-sheet of an extremely satisfactory appearance was produced?"

"Yes."

Rufus Isaacs had penetrated to the core of the case when he pressed Wright as to the £2,000,000 assets mentioned in the 1900 balance-sheet.

"The Company owed to sundry creditors £570,000?"

"Yes."

"Your assets were about £2,700,000?"

"Yes."

"The largest item in the £2,700,000 was the £2,332,000?"

"Yes."

"It was important to know how much had been written off?"

Whitaker Wright nodded wearily.

"You dealt with that in your speech?" asked Rufus sharply.

"I answered questions," replied Whitaker Wright.

"You said that over a million sterling had been written off for depreciation. That was untrue."

"I do not admit it," protested the financier, "you must take the whole report together."

"You said over a million sterling," insisted Counsel.

"I should have said, 'For loss and depreciation.'"

"Have you any doubt that this statement is absolutely untrue?" asked Rufus firmly.

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

"That is, as it stands," suggested Rufus blandly, "the statement is untrue."

Rufus Isaacs now returned to the question of Lake Views.

"You said you had marked them as low as possible. Had you in the list of assets—the £2,332,000—marked them down a penny?"

"I had not taken into account the half million," admitted Whitaker Wright.

"Then you had *not* marked as low as possible. Would you like to say it was a slip of the tongue?" Rufus asked urbanely.

"Yes, if you like," replied the financier. "I am not an accountant."

Mr. Justice Bigham turned to Rufus Isaacs: "You must get an answer to that," he said.

"You had deducted £500,000 from your list of assets," continued Rufus Isaacs. "Had you not put that back?"

"I suppose it was put back."

"The effect was to write up the value of the assets?" suggested Counsel.

"I cannot admit that," jerked back Whitaker Wright, scenting danger.

"I must have an answer," put in the Judge.

"I cannot admit this," repeated Whitaker Wright.

"Explain the marking down," continued Counsel.

"What did you take off?"

"The half million," replied the witness.

"You had not marked this off, but put it on," corrected Rufus.

"We took the Baker Street and Waterloo at par."

"You edited the report, put in the 'hear, hears' and so on?"

"Yes, and rightly," replied Whitaker Wright. "But there were alterations."

"But 'the slip of the tongue' was left uncorrected," commented Rufus Isaacs.

When Rufus sat down it was evident to all that the financier would be convicted. Whitaker Wright himself seemed to be aware of his fate. While Rufus Isaacs was making his final speech, the prisoner seemed to be sinking into despair. His great body had sagged and his face twitched painfully. Rufus made no attempt at passionate rhetoric. He summed up the evidence and the effect of Wright's damaging admissions with deadly clarity. Although he rarely referred to a note he held up a beacon to the jury which left no doubt as to the verdict.

Rufus had clearly anticipated the Judge's summing-up,

which was decisively against the prisoner. The jury were absent for only an hour. All eyes were fixed upon the foreman. At last he said "Guilty" and Lawson Walton jumped up at once and suggested the possibility of an appeal. The Judge, however, turned to deliver sentence. All eyes were upon Whitaker Wright as he rose heavily from his place. Once on his feet, however, his courage seemed to return and he squared his shoulders. Mr. Justice Bigham did not waste words. "Mr. Whitaker Wright," he said sternly, "in my opinion the jury could have arrived at no other opinion than that which they have expressed in their verdict. I confess that I see nothing that in any way excuses the crime of which you have been found guilty, and I cannot conceive a worse case than yours under those sections of the Act of Parliament which defines your offence. In these circumstances I do not think I have any option except to visit you with the severest punishment which the Act permits, and that is that you go to penal servitude for seven years."

Whitaker Wright bowed slightly and his voice was firm as he replied: "All I can say is that I am innocent of any intent to deceive anyone."

He left the Court by a side-door accompanied by an Assistant-Superintendent of the Law Courts and a tipstaff. They walked to a private room which had been placed at Wright's disposal during the trial. After locking the door, the officials left him with the former chief accountant of the London and Globe, the famous solicitor, George Lewis, and Mr. Eyre, who had gone bail for him. At first Wright vehemently protested his innocence. "This is British justice," he cried. "What have I done? I am amazed. I have done nothing wrong." Suddenly, he recovered himself, and thanked his friends for all they had done for him. He asked for a cigar and George Lewis gave him one and poured him out some whisky. The prisoner sipped a little and with a queer smile took out his

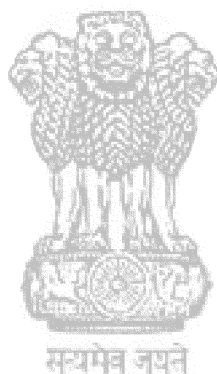
gold watch and chain. These he handed to Mr. Eyre, saying: "I shall have no use for these where I am going."

He continued talking for some time, all the while moving about restlessly. Suddenly, he went to the door and told the officials that he desired to wash. They made no objection. In a minute or two, he was back in the room, chatting to his friends. He asked for another cigar, but he was never to smoke it. The match trembled in his hand, and throwing it away, he lurched towards the window. Before his friends could assist him he had collapsed in a chair. A doctor arrived quickly, but Whitaker Wright was already writhing in a death agony. He died a minute or two later. On the body was found a tablet of potassium cyanide and a six-chambered revolver fully loaded and cocked. Whitaker Wright, with his customary thoroughness, was making certain of death, and his Counsel could not have foreseen that their application for a King's Bench trial would have such a tragic sequel. Had the trial been at the Old Bailey the prisoner could not have had such facilities for self-destruction, as he would have been searched.

Rufus Isaacs was in consultation with a solicitor and an actress when he heard that Whitaker Wright was dead. He was so distressed by this tragic dénouement that he was unable to continue the conference. Rufus at first thought that death was due to natural causes and that his cross-examination had precipitated Wright's end. He was soon assured that this was not so. The post-mortem showed that death had taken place within a quarter of an hour of taking the poison. The back of the tongue was specially corroded, indicating that the tabloid had nestled there for some time before it was swallowed.

When the body was interred in Witley graveyard, five hundred people were present, including many members of the Stock Exchange. Prominent among the wreaths

were those sent by institutions of which Whitaker Wright had been a generous benefactor. But these were not the only reminders of his activities. Ironically enough, Whitaker Wright left a monument which has become synonymous with sound finance and public utility. It is strange to reflect that had the Bakerloo Tube proved a success earlier, Whitaker Wright might well have ended his days listening to the cawing of the rooks at Lea Park.



CHAPTER V

WESTMINSTER

EXCITING changes had come in the political field while Rufus Isaacs was establishing himself as one of the leaders at the Common Law Bar. Liberalism was emerging from the political anæmia of the last few years, and the Tories were now a divided party. Protection or Free Trade had become the paramount issue in domestic politics, and it was upon this rock that the Unionists had split. Mr. Chamberlain had decided upon a bold policy of Protection, but Mr. Balfour remained half-hearted and evasive. Far more serious from the Unionist point of view was the criticism which the Government was receiving from almost every section of the electorate. The Unionists had alienated the Non-conformists by their Education Act, while the temperance reformers were outraged by a Licensing Act which provided that a licence could only be withdrawn on payment of compensation, in the absence of misconduct. The cost of living had, moreover, risen after the Boer War and provided a ready-made plank for the Opposition.

Rufus Isaacs was now in a much safer position than when he had contested North Kensington. He had not remained inactive in politics since the misadventure of 1900, and had long had his eye on the constituency of Reading. In the summer of 1904, the Liberal member, Mr. Palmer of biscuit fame, announced that he would retire owing to increasing deafness. Rufus had been nursing the constituency since 1902, and was readily adopted by headquarters. It was not to prove a hard

battle. Mr. Keyser, the Tory candidate, was well known locally, but Rufus's fame as an advocate was on the lips of all. His opponent was, moreover, somewhat vague as to his doctrinal orientations and was clearly beset by all the doubts which the Chamberlain-Balfour dissension had fostered. Rufus Isaacs, on the other hand, was contesting a constituency which had voted Liberal even at the "khaki election" and had seen little in the Tory policy to induce a change of sympathy. Although it was clear to Rufus Isaacs that the misdeeds of the Conservatives would weigh more than his own claims, he made victory certain by outlining a straightforward and progressive policy. He attacked Mr. Balfour's Licensing and Education measures, and declared himself in favour of Free Trade, economy, and Army reform. This definite attitude could not fail to impress the electors, whose grievances against the Government were skilfully supplemented by Rufus's vague glances forward at social reform. They were, moreover, reinforced in their convictions by the brilliant arguments of Herbert Samuel, Winston Churchill and Lloyd George, who had come to Reading to sponsor the new candidate.

The prospects were excellent, but Rufus Isaacs was too good a lawyer to take victory for granted. He threw himself into the fight with great vigour and succeeded in making a good impression at meetings. The political fledgling did well not to rely entirely on his electoral address. To the racial prejudice against the Jew was linked the layman's distrust of the lawyer. But the Liberal candidate's sincerity broke down suspicion.

Rufus Isaacs was always self-possessed and coldly rational. As an orator he was competent but not impressive. On the platform he lacked inspiration and could never cast a spell over his audience. He lacked Lloyd George's dramatic exaggeration and his command of the retort discourteous. But if he could not dazzle a crowd he was

never in danger of losing its attention. The range and accuracy of his memory and his abundant good humour, were always a match for hecklers, while his forensic reputation usually assured him of a good audience.

After a campaign which had lasted nine days Rufus Isaacs was elected for Reading. The new Member and his wife drove through cheering crowds and received a great ovation as they entered their hotel. So great was the congestion outside the building that Rufus was begged to say a few words to the crowd. For some time he hesitated behind a curtain and then appeared at the window. "Bravo, Reading," he exclaimed, "this is your victory, not mine." These were prophetic words, and Rufus Isaacs only ceased to represent the borough when he was appointed Lord Chief Justice of England.

For the present, however, he was but a new recruit to the Opposition ranks. The stage was, nevertheless, set for a brilliant parliamentary debut. His great reputation as an advocate made both sides of the House eager for a great maiden speech. He was assured of a respectful hearing and the support of a determined Liberal party. The setting was perfect, but the actor failed to grip his audience. On May 5, 1905, Rufus Isaacs first intervened in the House of Commons. He wished to know why the Local Government Board had refused to substitute an allowance of tea at night in place of gruel to the casuals in the Reading Vagrancy ward! He was assured that the whole subject of vagrants was "being investigated." Exactly two months later Rufus Isaacs made his maiden speech. It was a perfectly phrased address which entirely lacked the force and stinging irony with which "F.E." was to startle the House a year later. It is, indeed, difficult to resist the conclusion that this speech might have been made by many less gifted Members. Mr. Balfour had proposed a motion suggesting that the debate on an Aliens Bill should be rigorously spaced out. Rufus Isaac

now rose to address the House. He opened his speech with characteristic urbanity. "Whatever charges have been levelled against Members of the Opposition," he remarked, "I, at least, may be entitled to some credit for not having obstructed the proceedings of the House." His criticism of the Government proposal was brief and to the point: "The ordinary man in the street would have known that this Bill was impossible of discussion in the five days it has been before the House. I understand that only eleven days out of a total of seventy-three have been given to legislation. As a new Member of the House I have my lessons to learn, but I have been sitting and learning them for some time, and I should have thought, even without becoming a Minister and certainly without becoming a Prime Minister, that it was possible to remedy that position with the greatest ease. . . . Judging from my short experience of the way in which Parliament's affairs are conducted, the House of Commons, as a means of passing legislation, is a very ineffective body indeed."

Mr. Balfour prefaced his reply with a kindly tribute to the new Member. "The House," he said, "has listened to the first speech of an honourable 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." Mr. Balfour could not, however, resist making a shrewd thrust. "If I may venture a criticism," he said quietly, "I would almost suggest that the honourable and learned Member was so impressed with the short space of time to be given to the discussion of points in which he is interested that he has anticipated the debate of Monday and makes now the speech which he is afraid he will be excluded by the Resolution from making on that occasion." The man who was to be so closely associated with Rufus Isaacs now came to the rescue. "I was interested in the admirable and learned speech of the honourable Member for Reading," remarked

Mr. Lloyd George. "What struck him most of all was that this was a futile place to come to do work, and that is what strikes every business man." The rich voice gathered irony. "Gradually we get accustomed to it: we get accustomed even to the Prime Minister, and that is what the people of this country cannot understand!"

Rufus Isaacs had displayed a gift for clear, but not strikingly impressive, statement. He was never to be a House of Commons man. The very qualities which had made him a success at the Bar prevented him from shining at Westminster. Lucid and accurate, he had no eye for the florid generalization and no talent for emotional appeal. His speeches never rang with gusto nor did they achieve broad phrases. He had no ear for resounding half-truths, no command of shallow pomposities. He had emerged diamond-like from a romantic boyhood. The hard years in the Courts had developed logic and will-power, but they had taken their toll of imagination. He had none of the stimulating candour of the popular politician and, although free from humbug himself, never aspired to be a spectacular exposé of shams. His faults and virtues were those of a lawyer who could not shed his detached forensic manner when he rose to address the House. In Court he had always sacrificed verbal vigour to close reasoning. His greatest triumphs had been achieved in conciliation and tactful negotiation. But Westminster demanded more than subtlety and lucidity of exposition.

In assessing Rufus Isaacs's parliamentary worth it must not be overlooked that he invariably came to the House after a heavy day of legal work. He never spared himself. On many a night he would motor down to his constituency to speak on behalf of some local charity or fund. Nor were his anxieties entirely political or legal. His wife's health concerned him greatly, and he spent many

anxious hours at her bedside. In spite of his wonderful constitution, his own health began to yield under the strain, and, early in 1905, he was forced to retire from a case, owing to exhaustion.

If Rufus Isaacs could not state a persuasive case from the green benches, he nevertheless proved his capacity at the conference table. The party leaders were not slow to avail themselves of the specialized gifts of the brilliant advocate. The mentality which was too detached for raging propaganda was seen to advantage in the Council Chamber. His unerring judgment of men was linked with the qualities of decision, while his prejudices, though clear-cut, did not carry him to extremes. Campbell-Bannerman, Asquith and, subsequently, Lloyd George were all to discover that if Rufus Isaacs made no new plans, his mature intellect steadied counsel and rationalized arguments.

Meanwhile, the Tories were steadily sinking into stagnation. In December, 1905, the King sent for Campbell-Bannerman, the genial and popular Liberal leader, and the Government resigned. Rufus Isaacs again found himself before the electors of Reading, this time, however, asking for re-election. He was to be returned as a member of an overwhelmingly successful Party. The Liberals now took adequate revenge for their defeat in 1900. They had been crushed by a slogan in the "khaki election" and now retaliated in kind. The Liberal platform of 1906 formed a highly attractive mosaic. Free Trade, Chinese "Slavery," Trade Unionism, Home Rule, Social Reform—few sectional interests were overlooked. Most powerful of the war cries was "Chinese Slavery" which referred to the introduction of Chinese coolies into South Africa two years previously. The conditions of labour were monstrous, and the Liberal Party had quickly made capital out of the situation. The Unionists were accused of conniving at a system of "slavery," and lost even more support.

Rufus Isaacs did not exploit the "Chinese Slavery" catchword with the zeal of many of his fellow-Liberals. His innate honesty and the moderation of his attitude towards this issue are not perhaps without some significance in considering Rufus Isaacs's failure as a popular politician. "I have always held the view," he said in his election address, "that the Liberal Government must allow the Colonies to govern themselves, and if they choose to have recourse to Chinese labour, and think it good for them, they must decide and deal with it, and this country must not interfere." He refused, moreover, to examine the vague Liberal intention of "settling the Irish question." His attitude on this topic was forthright and without ambiguity. "It is an impossibility," he declared, "to deal with two such questions as Free Trade and Home Rule at one election." The Free Trade issue was, therefore, the basis of his electoral campaign, although he did not omit to declare his support for the amendment of the Education and Licensing Acts, and the law relating to Trade Unions.

The election was strongly contested and not without some hooliganism. He was speaking on Tariff Reform in Reading Town Hall when a single voice cried out, "Down with the Jews!" For a time Rufus ignored the interrupter, who now punctuated each sentence with the monotonous refrain. Suddenly the Member for Reading faced his opponent. "When I come to Reading, I say, as I say now, that I am a Jew and proud of it." The heckler began to droop. Rufus Isaacs went on to speak of the sufferings of his race and the English ideals of justice. Almost for the first time in his life, Rufus made an impassioned speech. He had not appealed in vain for fair play. The audience leapt to their feet and cheered wildly. As he sat down he noticed that even his political opponents were applauding.

Rufus Isaacs returned to a changed House of Commons.

It had been an overwhelming triumph for the Liberals, who had secured 377 seats. Organized Labour had also come to the fore with 51 members, a large enough body to exert an effective influence. The Liberals had returned to power swaddled voluminously in election promises. They now began the exhausting business of ramming their measures through Parliament. It was to prove a Herculean task.

The Trade Union question immediately caused friction. The famous Taff Vale case, of 1902, had decided that a Trade Union could be sued in tort, and money set aside for pensions and benefits could be taken to satisfy a judgment. This decision was so revolutionary that the Liberals and, of course, Labour, had been given a mandate to amend the law. Difficulties began to develop. The Royal Commission of 1903 had reported in favour of the relaxation of the law of Conspiracy and peaceful picketing, and had recommended a measure of exemption for Trade Union funds from liability for tort. The Cabinet were agreed as to the law of conspiracy and peaceful picketing, but a schism had developed on the question of Trade Union funds. The lawyers in the Party, who included such men as Asquith, Rufus Isaacs, William Robson, S. T. Evans, Stanley Buckmaster and Haldane, regarded complete immunity of Trade Union funds as too violent a proposition. They were reluctant to give workmen privileges not enjoyed by other citizens, and suggested that the Trade Unions might be protected by the restriction of the law of Agency as it applied to them. Thus the Unions would only be liable for authorized or controlled acts. This solution, however, proved unpalatable to the Liberal rank and file, who had committed themselves on the hustings. Keir Hardie and his friends, moreover, declared that only a Bill giving complete immunity would satisfy them. The Prime Minister, who was not a lawyer, accepted the latter view, and the Trades

Disputes Bill finally became law, thus giving birth to a privileged class outside the law in respect of civil liability.

Although Rufus Isaacs had taken the unofficial view towards the Bill he was one of the first to be called upon to play a leading part in its Committee stage. He had been briefed in the great Taff Vale case and possessed a thorough knowledge of the intricacies of Trade Union Law. His practical sagacity and detailed acquaintance with his subject now proved invaluable. He skilfully piloted the measure through the Committee, intervening, explaining, amending. Nor was he backward in advocating other legal reforms. He lent all his support, in 1907, to the legislation which set up the Court of Criminal Appeal, established a Public Trustee and took the first steps towards a system of probation for juvenile criminals.

Rufus Isaacs's skill in conference was one day to prove of enduring service to his country. For the present, however, he was winning the regard of his colleagues. Lawson Walton's friendship had survived the passage from the Temple to Westminster. But Rufus was steadily gaining new friends, Lloyd George, Herbert Samuel, Asquith, Alfred Mond, J. E. B. Seeley, and a host of others. Rufus proved an easy bedfellow. His charm of manner and innate modesty made him welcome everywhere, while his wisdom and coolness in emergencies endeared him to a harassed Government.

The Liberals were soon in difficulties. The Upper House had not challenged the Trades Disputes Bill because the Tory party shrank from challenging organized Labour. This reluctance did not, however, extend to the other legislation projected by the eager Liberals. The peers, who had passively acquiesced in Tory legislation, now mauled all the Bills submitted by the Liberals. By means of the House of Lords, Toryism was now ruling Westminster from its grave. Every clause in the Liberal Education Bill was ransacked, while the Irish Council

Bill, a first step towards Home Rule, had to be abandoned. The Plural Voting Bill likewise received the *coup de grâce* in the Upper House. The position had become impossible, and Campbell-Bannerman sounded the first note of menace on December 20, 1906. "A settlement of this great question of education has been prevented," he said grimly, "and for that calamity we know, and the country knows, on whom is the responsibility. The resources of the House of Commons are not exhausted, and I say with conviction that a way must be found, and a way will be found, by which the will of the people, expressed through their elected representatives in this House, will be made to prevail."

The Liberals launched their first offensive against the citadel of Tory supremacy in the summer of 1907. They first anticipated the Parliament Act of 1911 by proposing that a Bill passed three times in the Commons should then become law, notwithstanding the dissent of the Peers. The Resolution led to a great debate in which Campbell-Bannerman, Hilaire Belloc, Arthur Henderson, Winston Churchill, Lloyd George, "F.E." and John Simon all took part. Rufus Isaacs also spoke, but his coldly rational speech came as an anti-climax after the vigorous philippics which had preceded it. The Commons were in no mood for calm analysis after they had heard Mr. Winston Churchill stigmatize the Upper House as "a one-sided, hereditary, unpurged, unrepresentative, irresponsible absentee." The Resolution was carried, and so ended the first onslaught by the Liberals.

Meanwhile Campbell-Bannerman had died, and Asquith had kissed the King's hand at Biarritz and appointed Lloyd George Chancellor of the Exchequer. Asquith was, of course, a man of great culture and ability. What he lacked in vitality and enterprise was supplied by his exuberant lieutenant. For the present, however, this powerful team had to sit in the shadow of the Lords' veto.

The Liberals had sworn to repeal Mr. Balfour's Licensing Act, and in April, 1908, Mr. Asquith introduced the new Liberal Bill which had been promised the temperance voters. This Licensing Bill proposed the compulsory reduction of licences within 14 years' standing from April, 1909. The scale of reduction was to be based on licences in ratio to population and it was estimated that one-third of the existing licences would be suppressed. The Bill was, of course, opposed by the Tories, and a lively debate ensued. Rufus Isaacs made a good speech in which he again displayed his capacity to see both sides of a question. He disclaimed any temperance views and insisted that the Bill should be considered on its merits. This suggestion was, perhaps, a little optimistic in view of the feud between the two Houses. The Lords quickly rejected the Bill and drove another nail into their own coffin.

But while Rufus Isaacs was taking part in this historic conflict he was daily engaged in fierce hand-to-hand battles in the Courts. To this period belong some of Rufus Isaacs's greatest legal dramas, cases in which he was matched with the most powerful fighter at the Bar, Edward Carson. Both men had reached the height of the profession and enjoyed a tremendous vogue. It is said that one day Rufus's junior clerk brought in a brief marked 200 guineas. The head clerk is then alleged to have replied: "Drop it out of the window." The story is perhaps apocryphal, but the fact that it gained currency at all is sufficient evidence of Rufus Isaacs's position at the Bar.

CHAPTER VI

COURT DUELS

THE career of a busy advocate presents some difficulty to the biographer. The Bar is a profession which demands infinite patience in the lean early years and almost superhuman adaptability and toughness once a busy practice has been developed. Life for a fashionable Common Law "silk" is as strenuous as it is varied. His name becomes a talisman in legal circles, and innumerable briefs find their way into his chambers. It is not surprising, therefore, that any account of a great advocate's life must inevitably show gaps.

Rufus Isaacs was more than a fashionable K.C. Long before he became Attorney-General he had reached the acknowledged headship of his profession. Without having at his command the polished rhetoric of a Coleridge or the mighty oratory of a Russell, he had won his way to an unassailable position at the Common Law Bar. His swift and easy grasp of facts, his disregard of the pedantic and technical and, above all, his scrupulous sense of honour had gained him the regard of both the Bench and the Bar. Solicitors had seen in Rufus Isaacs that rare combination, a commanding grasp of the law with a powerful instinct for fact.

The years 1905-8 were perhaps the busiest of his forensic life. His desk on the first floor of 1, Garden Court was invariably laden with briefs, and his clerk ruled the solicitors like an autocrat. These were exciting and industrious days, but it is not possible to do more

than mention a few of the cases in which Rufus Isaacs was engaged. To this period belong such *causes célèbres* as the Ogden Guinea Gold Case, which arose out of a great tobacco feud between the American firm of Ogden's and the British Imperial Tobacco Company. More remarkable, perhaps, was the defence of Sir Edward Russell, which was one of Rufus's proudest memories. The illustrious editor of the *Liverpool Post* had made a spirited attack on the local Licensing Justices and ultimately found himself in the dock charged with criminal libel. The trial lasted three days and Rufus succeeded in winning an acquittal in the heart of a Conservative stronghold.

Less dramatic, but more lucrative, was the fraud case of the Lake George Gold Mines, in which Rufus's brief was marked "1,000 guineas." To this period also belongs the great case of *Wyler v. Lewis* which lasted 33 days before Mr. Justice Phillimore. This case ultimately went to the Court of Appeal, where Rufus Isaacs made the longest speech ever delivered there. He spoke for nine days, in the course of which he scarcely glanced at his notes. Two of Rufus Isaacs's briefs, however, require more notice. They were both cases which attracted enormous public interest, but they are specially noteworthy as excellent illustrations of his methods as a leader.

In the famous libel action of *Lever Brothers v. the Daily Mail*, Rufus found himself matched against the redoubtable Carson. The facts of the case made the contest one-sided and Rufus was forced to cut his losses and retreat in good order. The case arose out of one of those vigorous crusading campaigns with which the *Daily Mail* has long been associated. The plaintiff, Mr. W. H. Lever, M.P. (afterwards Lord Leverhulme), had started his business career in the family grocery shop. In the course of time he became interested in soap-making and set up a small factory at Warrington. Within a few

years Lever Bros. of Port Sunlight were turning out 3,000 tons of soap weekly and employing some 3,500 workmen. Enormous sums of money were spent on Press advertisement, and nobody had yet claimed the £1,000 which Lever Bros. offered to those who could prove adulteration of their soap. In 1906, however, Port Sunlight was faced with a serious problem, for the price of raw materials for soap manufacture had increased abnormally. Most of the soapmakers increased their prices, but Lever Bros. decided to reduce the weight of their 3d. pound tablets to 15 oz. But the shortage of raw materials persisted, and competition became so severe that Mr. Lever decided to form a great soap amalgamation. It was soon being rumoured that the Trust was being formed, not to reduce costs, but to monopolize raw materials and to raise the price of soap.

In the autumn of 1906 Lord Northcliffe lent his powerful support to the opponents of the proposed Trust. After assuring Mr. Lever of his personal friendliness, Lord Northcliffe opened fire from the columns of the *Daily Mail* and the *Evening News*. Lever Bros. were accused of having deceived the public into buying 15-oz. tablets, and of cornering raw materials with the object of controlling prices. The public was told that bad fish oil had been used in the manufacture of soap, and that Lever Bros. had unsuccessfully attempted to bribe the Press. The whole armoury of headlines and cartoons was requisitioned and Lever Bros. were forced to retrench. The proposed amalgamation was abandoned and Lever Bros. had to revert simultaneously to the 1-lb. tablet and heavy Press advertisement. Meanwhile, shares had sagged and Mr. Lever felt impelled to defend the goodwill which he had so successfully built up. The libel action of Lever Bros. *v.* the *Daily Mail* was heard at the Liverpool Assizes in the summer of 1907, before Mr. Justice Lawrence. Mr. Lever had briefed a powerful team of advocates,

including Carson, T. G. Horridge, K.C. (the future High Court Judge), F. E. Smith and E. G. Hemmerde, K.C., M.P., now Recorder of Liverpool. The defence was represented by Rufus Isaacs, Henry Duke, Gordon Craig and G. A. Branson (afterwards a High Court Judge). But although the two sides were so well matched it was apparent to Rufus Isaacs that Lord Northcliffe had overreached himself.

Carson's formidable opening left little doubt as to the issue. A low murmur of approval ran through the Court as the great advocate put the case for Lever Brothers. "This libel, gentlemen," began Carson, "is of a very exceptional and serious character, deliberately carried on for several weeks, and was made with the object of smashing up Lever Brothers. It is a libel which has been persisted in up to the present moment." Carson interspersed his narrative with harsh comments on the attacks made by the *Daily Mail*. "The first and most serious charge is that the plaintiffs sold their soap in such a fraudulent manner as to deceive the public as to the weight of the soap. The next charge is that the plaintiffs, in consequence of the combine, have dismissed large quantities of employees. . . . Messrs. Lever Brothers are also accused of having, along with others, attempted to bribe and buy the Press, and it is suggested that the attempt had to be abandoned because high-class and patriotic papers like the *Daily Mail* refuse to be bribed." Carson leaned forward and fixed the jury with an understanding stare. "If you find that Messrs. Lever Brothers are not robbers and swindlers, fraudulent traders and all the rest of it, and if you find that all the other charges are untrue, what are the damages to be given to them?" He drew himself up to his great height. "The damage is incalculable." This eloquent opening concluded with a powerful and menacing challenge. Carson motioned to his client to enter into the witness-box, and, as Mr. Lever rose to do

so, Carson again turned to the jury. "And now, gentlemen," he said, "I have put my first witness—my client, Mr. Lever—into the box: let my learned friend, Mr. Rufus Isaacs, cross-examine him to his heart's content, and when his time comes, I hope he will be able to follow my example and do the same, and call as his first witness his own client, Lord Northcliffe. I hope," concluded Carson, "he'll be able to play cricket with us."

But Rufus, as Carson well knew, could not defend two wickets alone. His client could not hope to stand up to Carson, and a rash persistence might well inflame the local jury. Rufus had done his best to change the venue, realizing that Mr. Lever's well-known generosity to his employees would carry weight in Liverpool. After Carson's opening address he came to the conclusion that an immediate settlement was the only safe course open to his client. Lord Northcliffe thereupon empowered Rufus to settle, but the latter was determined to make one last effort for his client. He brought his heaviest metal to bear against Mr. Lever in the hope of showing some justification for the *Daily Mail*. But Rufus could not shake a witness who was justly confident of his case. His first questions showed him that Mr. Lever was unassailable.

"Why did you not place the notices of alteration of weight on the soap in a more prominent place?" he asked the witness.

"I am perfectly sure," retorted Mr. Lever, "that wherever we had placed them it would never have pleased you, Mr. Isaacs."

That evening, after the adjournment, Rufus communicated with Northcliffe, who agreed to leave him a free hand. The following day Rufus buttonholed Carson on the steps of the Court. "We'll give you £10,000," he announced. Carson brushed aside the offer and strode briskly into the Court. This was to be the prelude to one of the most amazing scenes in the history of the Courts.

Rufus now put a brave face on the matter and informed the jury that he had withdrawn his defence and would merely ask them to assess the damages. But Carson was in an impregnable position and would not allow the jury to weaken under Rufus's disarming suavity. Carson rose to his feet and announced with some show of bewilderment that his friend's decision had taken him completely by surprise! He now asked for time to bring witnesses on the question of damages. But Rufus was not anxious to indulge Carson's taste for a fight to a finish. Those in Court were thus treated to the amazing spectacle of leading Counsel haggling over damages.

"Look here, Ned," began Rufus Isaacs, "you can have £15,000."

Carson coolly passed on the offer to Mr. Lever, who shook his head negatively. Rufus yielded slowly but inevitably and at last his offer reached the enormous figure of £50,000. Carson smiled at his client and whispered something. There was a pause and Mr. Lever was seen to nod.

"I'll take it," he announced, and then left the Court, to the accompaniment of great applause.

The sum agreed upon as damages was larger than anything which had hitherto been awarded by a jury for libel. Other claims, moreover, had also to be settled and £250,000 was eventually paid to Mr. Lever. But Rufus Isaacs's timidity was perhaps more apparent than real. He knew every weapon in Carson's armoury and was justifiably fearful of his opponent's expert use of them in a powerful cause. Rufus had analysed the case with characteristic thoroughness, and was firmly convinced that if he allowed it to go to the jury, the plaintiffs might conceivably secure double the amount of the settlement. Nor did the *Daily Mail* show any displeasure at the outcome of the dispute. "We fully and frankly adopt every word used by our Counsel," they said, "both by way of

withdrawal and by way of apology, and we have only to add that we are glad to observe that he accepted without question Mr. Lever's own estimate of the amount of money which we were to pay as damages."

In June, 1908, the prosecution of "Bob" Sievier again brought Carson and Rufus Isaacs into the arena. This time, however, Carson was defeated in what was undoubtedly the most remarkable forensic duel of the age. Rufus Isaacs's speech for the defence must rank as one of the most brilliant in this *genre*, while his tactical strategy in handling the witnesses for the prosecution must in itself be regarded as an essay in the delicate art of cross-examination.

Rufus's client, R. S. Sievier, was arrested in the paddock at Sandown Park and charged with attempting to obtain £5,000 from J. B. Joel, the South African magnate, by threatening to publish a libel on the latter if he was not bought off. This blackmail charge was the culmination of a bitter Turf feud of long standing. Joel was an owner of racing stables, while Sievier had become one of the leading Turf personalities of the day. He had been actor, soldier and, more recently, the editor of a racing weekly, the *Winning Post*. To the public, however, he was best known as the owner and trainer of several successful horses, including Sceptre, the filly which had won the Derby in 1902. But racing luck is fickle, and Sievier had fallen on evil days. On several occasions he had approached J. B. Joel for loans, but the latter had demanded more security than Sievier could offer. There had, moreover, been bad blood between the two men over a sale. Joel had run up the bidding for a horse which Sievier wanted desperately, and the latter had neither forgotten nor forgiven.

Sievier's autobiography had not spared Joel, but a greater opportunity offered itself when Sievier founded the *Winning Post*. A feature of the paper was a series of

satirical articles called "Celebrities in Glass Houses," in which J. B. Joel received a severe drubbing. Sievier had gone through the files of the British Museum and discovered some evidence of an early indiscretion on the part of the South African millionaire. A Police Gazette of 1884 mentioned that Mr. Joel was charged with not having registered the purchase of a diamond which cost more than £100. He had been unwise enough to return to England before thrashing out the matter. Although no further step had been taken by the Authorities, "Bob" Sievier had noted the affair and now served it up in the *Winning Post*, to the great discomfiture of Joel. Matters came to a head in 1908, when Sievier was in financial straits. The attacks did not cease, and J. B. Joel was anxious for a truce. The millionaire had, indeed, become desperate when he heard that his photograph was to be printed standing between two murderers. Two mutual friends, Bendon and Mills, acted as intermediaries, and as a result of their efforts Joel agreed to give Sievier £5,000 as the price of his immunity from further criticism. The attacks upon him ceased abruptly. But while Mills was reporting to Mr. Joel, a detective was noting down the evidence from behind a curtain where he had been concealed by the millionaire. Mr. Joel now applied for a warrant charging Sievier with blackmail.

The trial opened at the Old Bailey, before the Lord Chief Justice, on July 28, 1908. The proceedings aroused great public excitement, which was largely due to the personalities, lay and forensic, in the case. Sievier was, perhaps, the most popular figure who ever sat in the dock at the Old Bailey. His rough vigour and audacity had made him a great favourite with the public and there was scarcely a spectator in the crowded Court who did not wish to see "Bob" acquitted. The prisoner was not lacking in resourcefulness. On the first day he drove up to the Old Bailey in a handsome carriage and pair but

would not force his way through the crowd. He decided to enter the building through the Judge's entrance, but a stolid constable blocked the way. "You can't come in here," said the man in blue severely. "Who are you, anyway?"

"Well, you can't — well get on without me," flashed back Sievier. "I'm the prisoner."

There was an additional reason for the public interest in the case. The contests between Carson and Rufus Isaacs had always provided an exciting and interesting spectacle. In this case both sides were determined to fight tooth and nail for a verdict. Rarely, indeed, has such a touch-and-go battle been fought out in our Courts. When Carson sat down it seemed that the case was over, yet a few hours later he would be on his feet again, fighting desperately to win back lost territory.

Carson opened powerfully for the prosecution. He described with great vividness the pain which Mr. Joel and his family had been caused through the scurrilous articles in the *Winning Post*. Each reference to Sievier received ironic emphasis as Carson told of the transactions between Joel and the two intermediaries. In shrewd, forceful sentences, Carson went on to describe Sievier's financial position when the interviews at Joel's house took place.

Rufus Isaacs had always had the gift of reducing complicated cases to a narrow compass. Long before coming into Court he had realized that he had to prove that Sievier had been offered money by Joel, and that the initiative had not been taken by his client. This was the one issue that mattered, and Rufus did not permit himself to lose sight of it throughout the proceedings. Slowly and with infinite care he built up his whole case around the trap which Joel had laid for Sievier.

Carson was relying on the testimony of three men, Joel himself and the two intermediaries, Mills and Bendon.

Rufus approached each of these witnesses with great subtlety. Much, he knew, would depend upon the testimony of the two mutual friends, and he had decided not to discredit them but to transform them into witnesses for the defence. He therefore concentrated his attention upon the only discreditable feature of the prosecutor's case, but suggested that Bendon and Mills had been duped by Joel. These tactics proved brilliantly successful. Hour after hour he made his suggestions, but so smoothly and courteously that it was difficult to believe that he was cross-examining the witnesses. More than once Carson sprang up to make objections but Rufus refused to be ruffled.

"Had you any notion," he asked Bendon, "that a trap was being laid for Mr. Sievier?" He looked steadfastly at the witness. "'Trap' was the word."

"I suspected something at the second interview at Mr. Jack Joel's house," answered Bendon, adding: "I told Mills I thought it a very dirty business."

Mills corroborated his friend on this point and responded equally well to Rufus's smooth questions.

"Do you remember mentioning Mr. Leopold de Rothschild to Mr. Sievier?"

"Yes."

"Did you say that Mr. Joel had told you that Mr. Rothschild had said that this matter must stop?"

"Yes."

"You must have been amazed when you heard of Sievier's arrest?" suggested Rufus soothingly.

"I was amazed," agreed Mills. "I first heard from Chief-Inspector Drew that what had taken place was a criminal offence."

Then followed question after question like the cracking of a whip, each answer more deadly in its effect than the most polished speech.

"You thought that a trap had been laid for Sievier?"

"Yes," agreed the witness.

"Did you think that the person who had got you into it had played you a dirty trick?"

"Yes."

"That was Joel?" murmured Rufus Isaacs.

"Yes."

"Do—you—think—Joel—played—you—a—dirty—trick?" Each word was uttered slowly and distinctly.

"Most decidedly," replied Mills.

Carson's next witness was Mr. J. B. Joel, who told of the misery which the articles had caused him and his family. He declared that Mills had said over the telephone: "Sievier won't take a shilling less than £5,000, and if you don't pay he will publish your picture between two murderers, with a copy of the warrant against you." Carson's examination of this witness was masterly. He made great play with the fact that Joel was rich while Sievier was at the time in question in financial difficulties. Under his blunt questions lay the suggestion, repeated time and again, that Sievier had used his articles in order to get money from Joel. It was, however, upon this very point that Rufus Isaacs fastened in his cross-examination of the witness.

At first the two men sparred cautiously, neither anticipating an easy victory. The Jewish millionaire knew the methods of the Jewish advocate, and would not yield without a struggle. Rufus, for his part, understood that Joel would never be caught in a silken web. Few men had a surer sense of the natural rhythm of cross-examination than Rufus Isaacs. He had guided the other witnesses with pressures light as a feather. He quickly perceived that the cross-examination of Joel would have to be ruthless and direct. Although Rufus Isaacs could never be described as a master of shock tactics, his forceful cross-examination of J. B. Joel had points of contact with some of Carson's greatest efforts in this field. For

once he was not bland and suave. Every question was a frontal attack on Joel's position.

"When you sent for Mills had you in mind to get evidence to prosecute Sievier?" he began.

"No; I had no intention. I sent to know what Sievier wanted, and to put a stop to these attacks."

"Did you think that a favourable moment to dangle money before his eyes, and a good opportunity of getting evidence on which to prosecute him?"

"I had no idea of it," protested Joel. "I just thought that if I could get evidence I would prosecute when the threat was made to publish my picture between two murderers."

"You said you wanted to prosecute, not to give hush-money?"

"Yes. There never was sufficient material on which to prosecute."

"Well, I am glad to hear you say that," observed Rufus dryly.

The deadly questioning continued:

"Did you know that Mills was a great friend of Sievier, possessing great influence over him?"

"Yes."

"And you used him for that reason?" continued Rufus.

"Not intentionally," protested Joel. "I did not know how far it would go."

"It would go all the way as far as you were concerned?" suggested Counsel grimly.

"Yes, certainly."

"You were using Mills," said Rufus shortly. "Do you consider that was a dishonourable thing to do?"

"It was an unfortunate thing."

"What!" exclaimed Rufus Isaacs. "A dishonourable thing."

"An unfortunate thing," persisted Joel. "I had to do it."

There was a tense silence when Joel stepped from the box. It was evident to all that the prosecution had lost ground. The spectators were now eager for a glimpse of R. S. Sievier in the witness-box. They were not disappointed, for Rufus Isaacs announced that his client would be the only witness for the defence. The prisoner entered the box, and nodded and waved familiarly to several of his friends. His jocular replies to Carson raised more than one laugh in Court, but Rufus Isaacs was not entirely satisfied with his client's suggestions. He had cleverly discredited Joel by suggesting that the latter had misled Mills and Bendon. His client, however, had his own views on the subject which Carson soon elicited.

"Mr. Bendon has grossly perjured himself?" he suggested quietly.

"Undoubtedly," replied "Bob" Sievier.

"He was the man you had selected to borrow £1,000 from on April 6, and whom you selected to get you £2,000 on April 29?"

"Yes."

"You never had any dispute with him?"

"None."

"Mr. Mills is a friend of yours?"

"He was," replied the witness. "I certainly suggest he's committing perjury."

Carson now questioned the witness as to Bendon.

"Your friend is an awful liar, then?" he suggested lightly.

"Either he is or I am!" replied Sievier, and the Court laughed.

"Mills says he telephoned Joel that you were standing at his side and would not take less than £5,000," continued Carson.

"That is true," replied Sievier. "I think the evidence has been manufactured all through. In fact, I don't think, I am sure."

"Mills was pressing money on you and you were trying to resist it?" asked Carson gravely.

"Oh, dear, no! Oh, Lord, no!" replied Sievier, and the Court again laughed delightedly.

An argument now ensued as to who had the right to the last word. Rufus Isaacs would normally have had the right to speak last as he had called no witnesses except the prisoner, but Carson argued that as his opponent had put in documentary evidence he had forfeited his right. After some discussion, however, Carson agreed to let the prisoner have the benefit of the doubt.

"Thank you very much, Sir Edward," said Sievier blithely from the dock.

"I don't want any thanks from you," growled Carson.

The latter's final speech was a magnificent effort. He twitted the other side for having changed their position with regard to Bendon and Mills, and then addressed himself forcefully to the jury. "Are you going to lay it down that the prosecution must fail because the evidence was obtained in an unfortunate way?" asked Carson. "If you do so, this day will be a day of Magna Carta for blackmailers. I appeal to you not to let any popularity of the prisoner and the cheers of people outside the Court prevent you from doing your duty."

When Carson sat down all eyes turned to Rufus Isaacs. Was it possible that he could conceal the split in his ranks and make the jury forget that ominous phrase "this day will be a Magna Carta for blackmailers?" Rufus resolved all these doubts by making the best speech he ever made for the defence. It was a brilliant address in which a searching analysis of the evidence was blended with shrewd eloquence. "It is significant," he reminded the jury, "that for seven weeks from April 29, Mr. Sievier made no single move to extort money. According to Mr. Joel himself, everything that Mr. Sievier could have said had been said before the alleged threat. . . . I make

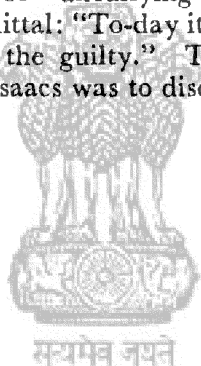
no complaint whatever as to putting a detective in hiding in order to detect a crime which it was known was going to be committed. But in this case the trap was laid to induce a man to commit acts which could be made to look like a crime. That is a dirty, disgusting, disgraceful transaction from which every man's mind will recoil with horror. What was the beginning of the conversation with Mills? Joel said: 'Well, what have you done?' Let me draw particular attention to the reply. 'I have done what you want.'"

The speech expanded into a magnificent peroration. "Imagine a man with the power of money behind him, knowing that another man whom he hated was hard up and broke. Imagine him getting hold of the man's best friend and most trusted confidant, setting him to work to make him take gold, forcing him to take it, and then arresting him, prosecuting him, bringing him to the Old Bailey and trying to send him to durance vile for Heaven knows how many years. Sir Edward Carson has eloquently put before you the wrongs of Joel. I am not going to appeal for sympathy for Sievier or for mercy, but to ask you to weigh the evidence which has been presented to you. Sievier is not on his trial for the articles he has published in the *Winning Post*. Some minds, and those not the most delicate, might disapprove of them." The speech concluded with a final appeal. "Remembering the dirty trick that has been played and remembering all the evidence in the case I submit that I am entitled to ask you to acquit Sievier of this charge."

The speech was received with loud and prolonged applause which was renewed when the jury announced their verdict of "Not Guilty." Outside the Old Bailey an amazing scene took place. A crowd of 5,000 strong had gathered and were cheering wildly. Sievier himself had anticipated the verdict, for his pockets were filled with sovereigns which he intended to distribute among the

City policemen on duty outside the Court. But the enthusiasm of the crowd was so great that he decided not to leave by the front door. His carriage was brought round to the side entrance in Newgate Street, and he drove towards Oxford Street. But the crowd surged after him, cheering deliriously and singing "For he's a jolly good fellow." Rufus Isaacs also received an ovation, for the crowd readily transferred to the advocate some of the affection which they felt for his popular client.

These scenes were the subject of a leading article by *The Times* the following day. That august journal deplored the scenes of "unedifying partisanship" which had followed the acquittal: "To-day it may be for the innocent; to-morrow for the guilty." The day was not far distant when Rufus Isaacs was to discover the shallowness of popular esteem.



CHAPTER VII

LAW OFFICER

RUFUS ISAACS never developed a taste for electioneering claptrap. But there was temptation enough to run amok in the bitter uneasy days which followed Lloyd George's famous "War Budget against Poverty." In 1909, the Liberals were forced to find new sources of revenue. The growing menace of German naval competition had to be met with an increase in our own naval estimates, while the great demand for social services could no longer be allayed with promises. The Chancellor of the Exchequer now came forward with the proposals which were to lead to the bitterest constitutional struggle in English history. Income tax, super-tax and succession duties were to be increased and the whole system of land taxation drastically revised. There was to be a 20 per cent. duty upon all increases in land values and an annual duty of $\frac{1}{4}$ d. in the £ upon undeveloped land. A 10 per cent. reversion duty on benefits accruing to a lessor on the termination of a lease was also to be imposed. The alarmists regarded this Budget as revolutionary, and again turned for succour to the House of Lords. They were not disappointed. The peers had previously jettisoned several Liberal Bills and now rejected the Finance Bill by a majority of 350 to 75.

The Liberals, already soured by the Lords' veto, now decided to make a stand against legislative sterility. As a matter of strict right the peers had the power to reject the Budget, but such a course was contrary to a long-

cherished constitutional tradition. The Liberals insisted that the Commons alone controlled finance while the peers objected that never had such drastic measures been included in an Annual Budget.

The rejection of the Budget forced the issues between the two Houses into the open. The ground was treacherous but the Liberals had some justification for taking a bold stand. They had steadily lost the confidence of the country after the 1906 election and clearly saw the electoral value of an attack upon the Lords. The Irish party, moreover, were convinced that the Lords would veto Home Rule and hoped, rather than believed, that the destruction of the second House would mean Home Rule for Ireland. Nor were the Labour leaders opposed to a truce. Lord Milner had said: "Let us reject the Budget and damn the consequences," and it was not difficult for the Liberals to suggest that the hereditary Chamber was the chief obstacle to democracy. To the Labour party, therefore, the situation offered an excellent opportunity to exert an effective control of legislation. The Liberals were aware of their waning prestige and had hesitated before facing the Tories in a straight battle. But assured of the support of Labour and the Irish Nationalists, Asquith now prepared for a trial of strength.

Parliament was dissolved on December 3, 1909, and in the following month the Liberals asked the country to choose between Lords and Commons. The Budget was forgotten and the House of Lords was now in the forefront of political controversy. The election was fought out with bitterness on both sides, for in Lloyd George's hands an idea always became a campaign. The Welsh wizard was ever capable of thinking in headlines, and his vehement sallies became an outstanding feature of the election. His gusty rhetoric swept the country like a cyclone. "Without you we can do nothing," he assured the electorate. "With you we can brush the Lords aside like chaff before

the wind." Echoes of Lloyd George's gibes at the peers tell of the spirit in which this election was fought. "A fully equipped Duke," declared the irrepressible Welshman, "costs as much as two Dreadnoughts, and Dukes are just as great a terror, and they last longer!" In more than one speech the Chancellor held up the Lords to the ridicule of the groundlings. The peers were summarily described as grasping landlords, dozing comfortably in their chamber of somnolence. "Some people are born dull," said Mr. Lloyd George, "others acquire dullness, and anyone who reads through their speeches will have dullness thrust upon them."

These sprightly taunts were taken up by scores of Liberal candidates. Rufus Isaacs was, however, one of the few Liberals who did not engage in slogan-mongering at this election. His warm admiration for the Chancellor of the Exchequer did not prevent him from eschewing the passionate rhetoric of which Mr. Lloyd George was such a master. The Chancellor deliberately addressed himself to the Labour voters in his audiences, but Rufus refused to depart from traditional Liberalism. He had never dabbled in shibboleths and now courted Reading for the third time with a well-informed and closely-reasoned analysis of the issues. The careful moderation of his speeches at this election was characteristic of his attitude, but it was also due to his conscious lack of the greatest platform qualities. He had little of Mr. Lloyd George's brilliant raillery and his speeches were more remarkable for their good humour than for their wit or persiflage. Though cool and unargumentative, his speeches nevertheless left no doubt as to his own position. Speaking at Reading, in November, 1909, he said: "We have been told that the Budget is robbery, confiscation and spoliation, and then with vehement spluttering and stuttering we are told that it is socialism. . . . The proposals of the Budget in regard to land are equitable." The speech concluded

with an eloquent tribute to Mr. Lloyd George: "Never was man in the history of Governments more amenable to argument, more ready to redress injustice than the present Chancellor of the Exchequer." Rufus's old rival, Edward Carson, did not share this opinion of the exuberant Chancellor. He bluntly described Mr. Lloyd George as "a demagogue and a *farceur* who has graduated in abuse." Speaking at Windsor, on New Year's Eve, Rufus Isaacs expressed his views on the House of Lords question with characteristic moderation and freedom from ambiguity: "The Lords have thrown down a challenge which we accept most gladly and willingly. In our opinion it has been too long delayed. . . . I agree that we ought not to have only one Chamber in the country, and it is because I believe this that I think it is so essential we should curb and limit the House of Lords. So long as we have it in the present form it is government by one Chamber. I recognize that there are some able and distinguished men in the House of Lords. These are the very men, if we had elected or selected members of the Upper Chamber, who would be chosen because of their services." This speech was typical of all his election addresses. Rufus had viewed with dismay the revivalist methods which Lloyd George was employing throughout the country. He could not approve of the overtures which the Liberals were making to the Socialists, and spared no effort to impress the purely Liberal outlook upon his audiences at Reading.

His efforts were no longer unaided. Mrs. Isaacs had always assisted her husband in his campaigns, and she was now joined by her son, Gerald. The latter had left Rugby after he had reached the Sixth Form and become a Cadet Officer in the O.T.C. He was now at Balliol and had just been entered at his father's Inn, the Middle Temple. Early in the new year he was to be seen on the Liberal platforms at Reading, speaking vigorously in

support of his father's candidature. More than once he was assisted by another Balliol man, young Philip Guedalla, who was later to desert the wig for the pen.

Most exciting of all was the visit of Mr. Lloyd George, who addressed a crowded meeting in a tramway shed. Mounted on a table, the Chancellor made a characteristic speech. "You have been called upon to fight this election," he cried, "instead of enjoying the Christmas season, because rich landlords, who are specially represented in one branch of the Legislature, decline to bear their fair share of the burden of taxation." At this point the speech was interrupted by the appearance of two dusty suffragettes who had hidden themselves under the platform. They shook their fists at the speaker and were then summarily ejected by the stewards. Lloyd George continued his speech with grim zest. "The Finance Bill," he said, "was thrown out by the House of Lords who said: 'If you want payment you pawn the workman's loaf.' The Government say, 'Never. We would rather get rid of you, my lords.'" Speaking from the same platform Rufus Isaacs struck an entirely different note. He had determined from the outset to use the Liberal weapon of Free Trade and now made a telling thrust at his opponent. "The great biscuit industry of Reading," he said, "is dependent for its very life-blood upon the policy of free imports, and if tariffs are introduced into this country the result must necessarily be a decrease in the output of the great biscuit factory."

Rufus Isaacs was re-elected for Reading, but he returned to Westminster as a member of a seriously weakened party. The Liberals had lost 104 seats and Mr. Asquith could only reckon upon a majority with the assistance of the Labour Party and the Irish Nationalists. But he had nevertheless obtained his mandate for action. There were signs of the coming storm even in the House of Lords itself, where some of the peers were already showing more

anxiety to preserve their social position than their legislative powers. Some members of the second Chamber began to dread an influx of ready-made peers and were prepared to make terms. But Asquith and Lloyd George had tasted powder and were ready for battle. The Chancellor of the Exchequer summarized the situation of the peers with sardonic relish: "The peers now say 'Give us a chance and we will reform.' Everybody says that the morning after a spree. The Liberals say, 'You have had plenty of chances, and now we are going to reform *you*.'"

But Rufus Isaacs's thoughtful speeches had caught the ear of the party leaders. His flair for statistics and his sincere preaching of Liberal doctrine had deeply impressed Mr. Asquith, who was also well qualified to appreciate his cool judgment and professional merit. He had, moreover, added cubits to his stature in the estimation of his constituents by the frankness with which he had approached them. Nor had his popularity at the Bar decreased with professional success. In 1904 he became a Bencher of the Honourable Society of the Middle Temple, an honour which was as much a tribute to his personal qualities as to his position at the Bar. His kindness and courtesy to juniors had become proverbial, while his painstaking efforts on behalf of the Barristers' Benevolent Association were well known. There was, therefore, very little doubt as to the identity of the new Solicitor-General when Sir Samuel Evans retired to become President of the Probate, Divorce and Admiralty Division. On March 7, 1910, Rufus Isaacs received the news of an appointment which had taken nobody by surprise but which, nevertheless, delighted the legal profession. Rufus was thus the second Jew to become a Law Officer of the Crown, for the illustrious Jessel had been Gladstone's Solicitor-General in the 1868-74 Administration.

His constituents were both honoured and pleased by the appointment, and the Conservatives decided not to

contest the seat, for strictly speaking a by-election is necessary when an M.P. accepts an office of profit under the Crown. When the news of his unopposed re-election was announced, Reading accorded the new Solicitor-General a wonderful ovation. Rising to reply, Sir Rufus Isaacs—for he had received the customary honour of knighthood—spoke with characteristic modesty. "I went to the Bar some twenty-two years ago," he told his constituents, "with the greatest fear and the greatest doubts as to my ability to make any way in it." But few among the great crowd which surged round Reading Town Hall that night realized that their M.P. had made a considerable sacrifice in income by accepting office. Between 1900 and 1910 Rufus Isaacs, as the most fashionable leader at the Bar, had more than once earned the enormous income of £30,000 a year. As Solicitor-General, however, his private practice had to be sacrificed and the less lucrative, and frequently more strenuous work of the Treasury had to be accepted without demur. The financial change was amusingly illustrated shortly after Rufus's appointment. A messenger had just brought in a heavy brief and marked "10 and 2." The Solicitor-General's clerk was more amused than affronted. "Sir Rufus does not take 10-guinea briefs," he observed airily. The messenger remained unabashed and coolly placed the Crown brief upon the desk. "He'll take that one," he remarked laconically, "and he'll take dozens more like it before he is finished!"

But Mr. Asquith had other tasks for his new Solicitor-General. Day by day the temper of the House of Commons grew more frayed. Domestic politics were now dominated by the constitutional issue. The Liberals were determined to clip the Lords' veto decisively, but the difficulties were formidable. From the first King Edward had disliked the attack on the hereditary Chamber and refused to use his prerogative to create new peers until the Government had secured for the second time the assent of the people.

Mr. Asquith had meanwhile framed the Resolutions which were to form the basis of the Parliament Bill. The Lords were to forfeit their power over finance and to lose much of their vetoing power over other Bills. It was proposed that if a Bill were passed by the Commons and thrice rejected by the Lords in successive sessions in a single Parliament it should become Law. The provision relating to money Bills was obviously intended to protect the Budget, and the other clauses were drafted in accordance with the election pledges and the agreement with the Socialists. Feeling ran high in the House whenever the proposed reform was discussed.

The death of the King, in May, produced a sudden lull at Westminster. Secret negotiations proceeded, however, while the decent period of mourning was observed, and in the following month Mr. Asquith invited the Opposition leaders to discuss the constitutional issues. But difficulties soon arose, and in November, 1910, Mr. Asquith grimly announced that the attempt at compromise had failed. Rufus Isaacs was addressing a meeting of the Reading Women's Liberal Association, at which Lady Isaacs presided, when the telegram announcing the failure of the Conference was handed to him. His observations embodied the Liberal attitude to the question. "For my part," he declared, brandishing the telegram, "indeed, I believe I speak your views when I say this, that we are glad our tongues are now loosened." A great cheer assured him of his position. "We glory in the fight we will have to wage, and we are determined to leave no stone unturned to win it."

Sir Rufus Isaacs now spoke as the principal Law Officer of the Crown, for in October he had become Attorney-General. He was succeeded as Solicitor-General by John Simon, who was then only thirty-seven years old. The former scholar of Wadham had risen rapidly and had taken silk at the remarkably early age of thirty-five.

It was soon apparent to the new Attorney-General that his office was no sinecure. Mr. Asquith was determined to ram the Parliament Bill through the House of Lords, and this troublesome measure occupied much of Rufus Isaacs's time. The Prime Minister had grown impatient of further delay, and secured from the King an assurance that His Majesty would be ready "to exercise his constitutional powers, which may involve the prerogative of creating peers, if needed, to secure that effect shall be given to the decision of the country." It was now clear that if the Liberals secured a majority they could defeat the Lords.

It was to be a fight with the gloves off, and both parties began an intensive campaign. Thus, in December, 1910, Rufus Isaacs found himself for the third time that year on the hustings at Reading. This time he was opposed by a new Conservative candidate, in Captain Leslie Wilson. But Rufus did not confine his political appearances to his constituency. The Attorney-General was required to lend his oratory to many other Liberal candidates. Although the election was fought primarily on the great constitutional issue, Rufus never lost sight of fundamental Liberalism. He had always been a convinced Free Trader, and never neglected an opportunity to state his views on the platform. On October 6, he found himself addressing a crowded meeting at the Cannon Street Hotel. The City of London has always been strongly Conservative, but Rufus Isaacs did not shrink from carrying the war into enemy territory. In a few minutes the audience were laughing in spite of themselves at the caustic comments which the Attorney-General was levelling at the squabbling Tariff Reformers. "You have the extraordinary spectacle, gratifying indeed to the Free Trader," said Rufus, "of the foundations of the new edifice which is being erected, tumbling away even before the superstructure has been begun." But though the

Attorney-General could be bland and courteous he was never afraid to speak out. He had made his position clear on the House of Lords question, and grasped every opportunity to impress the issue upon his audiences. Speaking in December, at a large meeting in the Grand Theatre, Rawtenstall, he said: "The true issue and the predominant one before the country is whether the people mean to be governed by the Lords or by themselves. No one is able to point to a Bill introduced during the last hundred years by a Tory majority which has been thrown out. The time has come when the people of this country will no longer tolerate the domination of an irresponsible oligarchy like the House of Lords." The Attorney-General was, however, too good a politician to neglect his own constituency. The straightforward declaration of Liberal policy which had previously won votes again carried the meetings. "Don't be afraid of the cry of Single Chamber government and hasty legislation," he warned Reading. "We have always had Single Chamber government when the Tory party was in power!"

Matters came to a head early in the New Year, when the Liberals were returned to power with 272 seats. The Unionists' strength tallied exactly with that of the Liberals, but the latter could again count on the support of the Labour and Irish Nationalist members. In these circumstances Mr. Asquith advanced and torpedoed the Lords. The struggle which ensued has been dealt with in several monographs. Rufus Isaacs—who had been narrowly re-elected in December—did not take a prominent part in the passage of the Parliament Bill. He made more than one well-reasoned contribution to the innumerable debates in the House, but his advice on the intricacies of the legislation was more in demand than his oratory. Faced with the threat of new peers who would override all opposition, the Lords yielded reluctantly but inevitably. Scenes of unparalleled disorder accompanied the passage

of the Bill through Parliament. On July 24, Mr. Asquith was howled down in the House when he rose to speak on the amended Parliament Bill. The irrepressible F. E. Smith had led the hecklers and was in turn unable to make himself heard when he began his speech. Ultimately the Lords' Amendments were rejected, and in August the Bill came before the Lords for a Third Reading. This time the harassed peers realized that further resistance was impossible and the Bill was finally passed by 131 votes to 114. The peers thus surrendered after the bitterest political campaign in our history, but they had the satisfaction of having avoided the fate foreshadowed in the preamble to the Bill—"it is intended to substitute for the House of Lords as it at present exists a second Chamber constituted on a popular instead of a hereditary basis."

The Parliamentary activity which followed the passing of the Parliament Act did not intimately concern Rufus Isaacs. His political career during the next two years was distinguished but not spectacular. He lent his great talents to the task of piloting the National Insurance Bill through the House, and could always be relied upon for a comprehensive and well-informed speech on almost any aspect of Government policy. But there were those in the Liberal ranks who could look beyond well-turned Parliamentary phrases. The Attorney-General's versatility and acute statesmanlike brain had greatly impressed both Asquith and Lloyd George. In the most overheated political atmosphere the Attorney-General could be relied upon for a temperate and carefully reasoned enunciation of Liberal policy.

The necessity of relying upon uncertain allies caused the Government much concern. Legislation had to be handled with the utmost delicacy, and the slow and tentative steps required the constant supervision of well-informed and far-sighted men. Rufus Isaacs lacked that spark of magic which converts platitudes into great

Parliamentary speeches. But there was no doubt of his value in council. His clear logical intellect could be employed in the complicated spheres of finance, Law and politics, and a sorely-troubled Liberal Government was not slow to take advantage of his gifts.

In July, 1911, Sir Rufus Isaacs was given a place in the Cabinet and thus became the first Attorney-General to receive such an honour. It must not be overlooked that Sir Rufus was assigned his place in the Cabinet when the highest constitutional problems were engrossing the attention of the Government. He was to prove more than once, during the next decade, that he was capable of shouldering national responsibility without hesitation.

But politics did not monopolize the attention of the Attorney-General. To this period belongs one of Rufus Isaacs's most remarkable cases. "Of all forms of death," said Mr. Justice Avory in the *Vaquier* case, "poison is the most detestable." And of all forms of crime, poisoning is the most callous and the most difficult to bring home. The men who choose poison for their weapon are usually of a cool and calculating nature, and Frederick Henry Seddon was no exception to the rule. Yet this case is perhaps the most remarkable in the history of crime, for the prosecution proved Seddon's guilt without actually showing how and when he administered the arsenic. The case rested entirely on circumstantial and scientific evidence, and over 300,000 people signed the reprieve petition. But the case attracted world-wide attention owing to its great human interest. While Rufus Isaacs and Marshall Hall strove desperately for a verdict they succeeded in painting a picture which will never be forgotten. The Seddon case might have been torn from one of Balzac's novels. Here were the same cramped souls, lusting for gold, intriguing, hoarding and killing, and all behind the neat curtains of a suburban middle-class household.

The story opens quietly with an advertisement for a lodger. Mr. and Mrs. Frederick Seddon lived in Tollington Park, Islington. They had five children, but considered that the fourteen-roomed house was too large for them and advertised for a tenant for the top floor. This decision was typical of many which Seddon had made during his career. At the time of the crime he was forty years old and had for twenty years been employed by a large Insurance Company. Egoistic, avaricious and mean, he had prospered steadily. He had much of the petty tyranny which falls to so many self-made men, and exacted complete obedience from his wife and office subordinates. His steadiness and efficiency were, however, appreciated by his employers, who accepted him at his own valuation. Seddon was, moreover, not unaware of the material value of communal activities, and had ingratiated himself into Masonic circles. There was little, indeed, to suggest that he was other than a thrifty hard-working insurance superintendent. His indecisive chin, straggling moustache and domed forehead gave him the appearance of some petty clerk. But he had been a lay preacher and was regarded as a pillar of suburbia.

The unfortunate spinster who came to occupy the upper flat had some points of resemblance with her landlord. Eliza Barrow, a woman of forty-nine, was slovenly, mean and excessively suspicious. She loved gold, and hoarded bank-notes and coins in a cash-box. Unlike Seddon, however, she was querulous and sarcastic and had quarrelled with her cousins, Mr. and Mrs. Vonderahe, who lived near Tollington Park. But if Seddon loved nobody but himself, Miss Barrow lavished a spinster's love on a little orphan named Ernest Grant, whom she had adopted. Apart from this boy, who accompanied her to the Seddons', Eliza Barrow's chief occupation was the supervision of her income. Her fortune amounted to about £4,000, £1,600 of which was invested in 3½ per cent. India Stock and the

remainder in the lease of a public-house which brought in about £120 a year. Her cheques were always changed into sovereigns and bank-notes, and stored in the inevitable cash-box.

Miss Barrow, as even her enemies admitted, was shrewd, but she found her match in her landlord. Seddon had quickly sensed that the one weak point in his tenant's armour was her greed. The opportunity soon presented itself to exploit this knowledge. The spinster had begun to torture herself with visions of an impoverished and lonely old age. The Government's licensing policy appeared to threaten her public-house, while the depreciation of her India Stock increased her fears. In these circumstances she fell an easy victim to the insurance man's glib schemes. Within a few months of her arrival at Tollington Park, Seddon had persuaded her to assign all her property to him in return for an annuity of £70 per annum and free rent. These instalments were paid punctually in gold until September, 1911, when Miss Barrow was taken ill with pains in the stomach and constant vomiting. A doctor was called, who diagnosed the complaint as acute diarrhœa. Miss Barrow was carefully nursed by Mrs. Seddon, who did what she could to make the filthy room more habitable. Innumerable flies had been attracted to the sickroom, and Mrs. Seddon thoughtfully purchased some chemical fly-papers. Much was to be heard of these fly-papers at the trial. Meanwhile, Miss Barrow's condition showed little improvement. On September 10, the wretched woman made her will, leaving all her personal effects to Ernest Grant and his sister, appointing Mr. Seddon as her sole executor and trustee. There was, of course, no cash left for distribution.

Miss Barrow was a fretful patient, refused to take medicine, and insisted on the little boy sleeping in her bed. But Mr. Seddon exerted his influence over the patient and induced her to take her medicine. Throughout

her illness nobody except the Seddons and the doctor had access to the invalid. On the evening of September 13, Miss Barrow crawled from her bed and lay on the floor, crying, "I am dying." The little boy ran for the Seddons, who came up at once but did not send for a doctor. Ernest was sent into an adjoining room, while Mrs. Seddon sat by the bedside. Mr. Seddon sat on the landing outside the room, smoking his pipe and occasionally going downstairs for a drink. At 6 a.m. Eliza Barrow breathed her last and Seddon at once communicated with the doctor. The latter did not think fit to visit the house, and readily certified that death had been due to epidemic diarrhoea. At 11.30 that morning Seddon visited the undertakers and arranged that his unfortunate lodger should be buried for £4 in a pauper's grave. Nor did Mr. Seddon omit to pocket a commission of 12s. 6d. for introducing the business. This business-like executor then searched for Miss Barrow's money and, according to his own report, discovered only £10.

But Seddon's meanness proved his undoing. No relative was present at the funeral, and nobody knew of the death until four days after the funeral, although the Vonderahes lived within a quarter of a mile of the house. Seddon afterwards stated that he had written a letter to inform them of the death, but it was never received. But although Seddon had been too occupied to send for a doctor while Miss Barrow was dying, or to communicate with her relatives afterwards, he had not omitted to attend to his business. On the day of Miss Barrow's death two of Seddon's assistant-superintendents saw him counting out unusually large quantities of gold. "Here, Smith, here's your wages," he had said in jest to one of them. "I wish you meant it, Mr. Seddon," replied the other. Seddon's good humour had obviously not diminished as a result of his tenant's death, and that same evening he and his wife visited the local music-hall.

But Seddon did not forget to send a wreath, and he and his wife were the only mourners. On September 20, however, the Vonderahe's heard about their cousin's death and at once called at Tollington Park. They received scant satisfaction there, for Seddon informed them that he needed a holiday. Mr. and Mrs. Seddon then joined Ernest Grant at Southend and it was not until sixteen days later that Mr. Vonderahe was able to have the desired interview. Seddon at first refused to give him any information, on the ground that he was not the next of kin, but later admitted that all Miss Barrow's money had been made over to himself in return for an annuity. This evasiveness aroused the suspicions of the Vonderahe's, who were already annoyed by the miserable funeral arrangements which Seddon had made. Mr. Vonderahe, therefore, decided to communicate with Scotland Yard, and on November 15, two months after the date of death, the body was exhumed. A post-mortem examination was made by Dr. W. H. Willcox, the Home Office analyst, who found that the body contained two and a half grains of arsenic, and that Miss Barrow must have died of a fatal dose of the poison administered within forty-eight hours of her death. An inquest took place and the jury returned a verdict of wilful murder by some person or persons unknown. The Seddons were carefully watched and the police discovered that their little daughter, Margaret, had purchased certain fly-papers at a chemist's, on August 26. Each of these fly-papers contained a fatal dose of arsenic, and the police believed that the poison had been extracted by soaking the papers in water, and administered in some meat extract. On December 4, Seddon was arrested and charged with the murder of Miss Barrow by administering arsenic. His first statement was extremely curious. "Absurd!" he cried. "What a terrible charge. Wilful murder! It is the first of our family that have ever been accused of such a crime. Are you going to arrest my

wife as well? Have they found arsenic in the body? She has not done this herself. It was not carbolic acid, was it, as there was some in her room, and disinfectant is not poison, is it?" Mrs. Seddon was later arrested, and on March 4, 1912, husband and wife both appeared at the Old Bailey. The case attracted world-wide attention, which is not perhaps surprising. To the psychologist, Seddon's coldness was of much interest, while the circumstances of the case offered the man-in-the-street a real life murder mystery. Not the least interesting feature of the trial, however, was the prospect of a dogged forensic duel.

The Seddon case gave Rufus Isaacs his first and only brief in a murder trial. The Attorney-General had rightly decided that the evidence required the most delicate handling and in Richard Muir, S. A. T. Rowlatt and Travers Humphreys he was supported by a most brilliant team of Treasury Counsel. Seddon was defended by Marshall Hall, who had already established himself as England's greatest Counsel for the defence. He had plucked more than one amazing verdict from the jury-box and was peculiarly at home in a case of this nature. Marshall Hall had always been interested in poisons and loved to hold a defending brief in a case demanding expert knowledge. Mrs. Seddon was defended by Mr. (later Sir) Gervais Rentoul, who wisely decided to adapt Marshall Hall's arguments to his own case.

The Court was, of course, crowded, but there was little of dramatic interest in the first few days of the proceedings. Seddon and his wife sat in the dock and appeared calm and attentive while the Attorney-General made his masterly opening speech. It was an exhaustive statement of the facts, which gained much from the coldness of the delivery. There followed much detailed evidence of the financial transactions between Seddon and Miss Barrow, and of the identification of the bank-notes which Mrs. Seddon had changed with various local tradesmen. Nine of these

bank-notes had been endorsed with a fictitious name and address.

The first note of drama was sounded when Dr. Willcox was cross-examined by Marshall Hall. The analyst told the Court that the largest proportion of arsenic had been found in the stomach, and that tiny quantities had been found in the skin and the hair. In answer to Rufus Isaacs, Dr. Willcox emphatically asserted that the cause of Eliza Barrow's death was acute arsenical poisoning. The analyst had employed Marsh's test to detect whether or not arsenic was present. He had arrived at the amount of arsenic in the body, 2.01 grains, by the multiplying method. A specimen of the viscera was weighed and the minute quantity found was multiplied proportionately to the total weight of the stomach. But the expert was careful to point out that arsenic is easily rejected by the body in vomiting, purging and in passing urine. Dr. Willcox estimated that five grains might have been taken within three days of death.

The evidence of this witness had been listened to with hushed attention, by those in Court. Two grains of arsenic constitutes a fatal dose and nobody could ignore the expert's calm statement that he had analysed two of the Islington chemist's papers and found that one contained 3.8 grains of arsenic and another 4.17 grains. But Marshall Hall had always delighted in his contests with expert witnesses. None had a keener eye for a jury's prejudices and susceptibilities. The layman is notoriously distrustful of the scientist and usually enjoys seeing him defeated on his own ground. Marshall Hall knew this, and brought a sound knowledge of medicine and all his powerful dialectics to bear upon Dr. Willcox. The famous analyst had said that Eliza Barrow had died of acute arsenical poisoning, the fatal dose having been administered shortly before death. Marshall Hall, on the other hand, suggested that death had been due to epidemic diarrhoea, aggravated

by *chronic* arsenical poisoning. If he could have proved this the prosecution would probably have failed, for if the arsenic had been administered in small quantities over a long period it could no longer be suggested that the only people who had access to Miss Barrow were the prisoners. But if the fatal dose was actually administered within twenty-four hours of death, the case against the Seddons was black indeed. Marshall Hall therefore decided to make a strong attack on the expert's evidence. His cross-examination was painstaking and thorough, and displayed a remarkably detailed knowledge of forensic medicine. He began by showing the dangers of the analyst's experiment.

"Now would you agree with me as to the importance of absolute accuracy—absolute accuracy, not relative accuracy—the importance of absolute accuracy with regard to whether it is $1/40$ th or $1/50$ th or $1/60$ th, is of vital importance in this matter?" he asked the expert.

"It is most important to be as accurate as possible," agreed the witness.

"But a very minute difference makes a very great difference in the result of arsenic calculated as in the body, does it not?"

"I fully admit that."

Having created an atmosphere of doubt, Marshall Hall moved towards the concrete. His intensive study of medical treatises had been capped by the closest attention to the Report of the Royal Commission on Arsenic. He now moved into battle with great confidence. Bit by bit he established the fact that arsenic had been found in the ends of Miss Barrow's hair. Question followed question, and those in Court began to weary of the technical catechism. But they were soon jerked into the full significance of Marshall's questions.

"Is the finding of the arsenic in the hair corroborative

of acute arsenical poisoning or of chronic arsenic taking?" he asked.

"If arsenic is found in the hair it indicates that probably the arsenic had been taken for some period," agreed Dr. Willcox.

Then Marshall Hall made the great mistake of ramming home an admission which might well have changed the whole course of the case. For Dr. Willcox had suddenly thought of the reason for the presence of the arsenic in the hair of Miss Barrow. "When I took the hair for analysis it was at the second examination, and the hair had been lying in the coffin and it was more or less soaked in the juice of the body," he said. Not content with this assertion, Dr. Willcox left the Court that day and experimented upon a lock of hair which he had taken from a normal person. He soaked this hair for twenty-four hours in the blood-stained fluid from the corpse and submitted the hair to the Marsh test, finding that it had absorbed an appreciable amount of arsenic. This discovery drove the last and hardest nail into Marshall Hall's theory that death was due to chronic poisoning.

Dr. Willcox's evidence closed the case for the prosecution. It was now apparent that the case against the Seddons rested entirely upon circumstantial evidence. There was no proof that Seddon had actually administered the arsenic or had even purchased it. Mrs. Seddon had prepared Eliza Barrow's food, but nothing more conclusive could be suggested against her. The Attorney-General had, however, pieced together a case which was to prove firm enough to hang Seddon. His opening speech had made it clear that Seddon was the only person who would benefit by his lodger's death, and that he had had many opportunities of administering the arsenic. His failure to send for the doctor when Miss Barrow was dying was also emphasized, while his actions after her death were highly suspicious. Mrs. Seddon's position was, however,

different. She was a household drudge who certainly did not appear to have enjoyed the confidence of her husband. Nor was the motive for the crime so clear in her case. But the essential difference between the two appeared during the last days of the trial, when Mrs. Seddon succeeded her husband in the witness-box.

The cross-examination of Seddon will long be remembered. Rarely have the Courts seen such a fascinating clash of personalities. Seddon had been delighted to hear that the Attorney-General himself was leading the case against him, for his vanity told him that he was more than a match for Sir Rufus Isaacs. His buoyancy and self-confidence had increased after Rufus's opening speech, for the Attorney-General had eschewed rhetoric and contented himself with a temperate and restrained statement of fact. Marshall Hall saw fit to warn his client of his danger, but Seddon had waited impatiently for this opportunity of worsting the celebrated Rufus Isaacs. He insisted upon going into the witness-box, and Marshall rose to examine with a heavy heart. He knew his client's vanity and he knew the Attorney-General.

For a time, however, Seddon held his own. He answered all Marshall Hall's questions with an ease and confidence which did not fail to impress. He gave his evidence clearly and seemed well equipped for his duel with the Attorney-General. But Marshall Hall's worst fears were soon realized. His client faced Rufus Isaacs with an almost inhuman composure, and his glance rested confidently upon his inquisitor as the latter rose to his feet. Rufus at once plunged into the fray.

"Miss Barrow lived with you from the 26th of July, 1910, till the morning of the 14th of September, 1911?"

"Yes," said Seddon easily.

"Did you like her?" asked the Attorney-General smoothly.

For the first time Seddon hesitated. There was perhaps

more in the question than he thought. He played for time.

"Did I like her?" he parried.

"Yes, that is the question."

"She was not a woman that you could be in love with," replied Seddon, "but I deeply sympathized with her."

This was the only time during the cross-examination that Seddon showed the slightest hesitation. He was over-confident and seemingly devoid of feeling, but his coolness was no asset. Many a clumsy witness has captured the sympathy of a jury, but Seddon was altogether too competent. Rufus Isaacs's questions, moreover, seemed to bring out all the callousness of the witness's soul. He addressed the prisoner as "Mr. Seddon," and in his most courteous tones suggested that he was a murderer. Had Rufus attacked vigorously, Seddon might well have been on the passionate defensive. But each question was so smooth and encouraging that Seddon felt compelled to stress his complete freedom from embarrassment. As Marshall Hall watched the duel he knew that Seddon was doomed. By his very confidence, this over-brilliant witness left an impression of guilt.

In spite of Seddon's plausibility, most of Rufus's questions found their mark. The atmosphere became tense as the Attorney-General slowly stripped the witness and revealed his mean soul. At one point Rufus Isaacs questioned Seddon concerning £216 which Miss Barrow had withdrawn from her savings bank.

"Just think what you say," suggested Rufus quietly. "Your mind, according to what you have told us, was much agitated by her putting this money into the trunk in her room?"

"That was months before," observed Seddon.

"That was on 19th June, 1911?"

"Yes."

"And you have told us that it disturbed you?" insisted the Attorney-General.

"At the time, yes," agreed Seddon, "but then she told me she knew what to do with it."

"Did you make any further inquiry from her about it?"

"No, she said she knew what to do with it, and she walked out of the room, and she treated me with indifference for about a week after."

"But so far as *you* were concerned," insisted Rufus smoothly.

"I treated it like that." Seddon coolly snapped his fingers.

Hour after hour the cross-examination continued. Each link in the story was patiently tested, but Seddon remained calm and unperturbed. Asked about his conduct when Miss Barrow lay dying, the prisoner answered in a detached business-like tone.

"Why did you want to stay up outside the door when your wife was dozing and the patient was sleeping peacefully?" demanded Rufus Isaacs.

"Because my sleep was broken," answered Seddon.

"Was it not because you were afraid the end was coming and you didn't want your wife to be alone?"

"Certainly not."

The cross-examination continued.

"Now, of that £402, as I understand your statement, when you came to look for the money on the morning of her death, you found threepence in copper in her purse?"

"Yes."

"That is all?"

"Yes."

"Did you make any inquiry about the money?"

"I hadn't any idea regarding it," said Seddon coolly.

"Then does that mean you made no inquiry?" asked Rufus Isaacs.

"I made the search," replied Seddon evenly. "I thought if she had deposited it I ought to find a receipt. I didn't know whether she might have placed it in the hands of friends or relatives of hers, though."

"What!" exclaimed Rufus, "with you in your house and in her confidence?"

"According to your view," he continued, "you had nothing whatever to conceal from her relatives?"

"I couldn't explain what had become of that money," replied the prisoner coldly.

"Why did you not tell the relatives that you could not explain it?"

"I told him (i.e. Mr. Vonderahe) he had not shown me he was the next of kin."

"Is that your reason?"

"Yes," said Seddon with great composure. "I did not go into details beyond what I had already given him."

"Now, Mr. Seddon, just think for a minute," suggested Rufus Isaacs. "If you have any other explanation to give, give it."

"I told you that I did not give a thought to the matter."

"And is that your only explanation to my lord and the jury of your not having said anything to the relatives about that money being missed?"

"Yes."

"That the man who asked you was not the legal next of kin?"

"And that I could not say where it was!"

"Was not that the very reason why you should have told him that you could not tell where it was?"

"It didn't enter my head to go into details."

"Did you ever tell the police?" asked Rufus blandly.

"No."

"So that unless this inquiry had taken place no one would ever have known anything about it?"

"I don't know."

The Attorney-General's questions were shorn of all parenthesis, yet each carried the force of an indictment. Thus he disposed of Miss Barrow's financial affairs in four crisp questions.

"During the time she was living with you at your house did you advise her on financial affairs?"

"Certainly I advised her," agreed the prisoner coolly.

"She came to you, then, with India 3½ per cent. Stock bringing in one pound a week, the leasehold property bringing in £120 a year, and over £200 in the Finsbury Savings Bank." Rufus paused. "That is right?"

"Yes."

"She remained in your house from that date, the 26th of July, 1910, till the 14th of September, 1911, when you examined all that there was to see of the property that was left?"

"Yes."

"On the 14th of September, 1911, when she died, was all the property that was found of hers a sum of ten pounds in gold, and furniture, jewellery, and the belongings to the value of £16 14s. 6d.?"

"According to the inventory taken by Mr. Gregory, a reputed auctioneer and appraiser, it was sixteen pounds odd," replied Seddon calmly.

Only once was Seddon shaken from his reserve. This occurred when the Attorney-General read out the statement which the prisoner was alleged to have made when arrested.

"It goes on: 'Are you going to arrest my wife as well?'" observed Rufus Isaacs.

"No, not then," broke in Seddon indignantly. "I said: 'Can you not take me home and let my wife and family know that I am arrested?' He said: 'You need not worry about that, you will see your wife at the station; I am coming back for her.' I said: 'Are you going to arrest her as well?'" Seddon turned towards the

jury. "That I swear before God is the words that took place, and I have been awaiting the opportunity to get into this box to relate the true words that were spoken on this occasion."

"All the statements that you are making are statements before God," observed Sir Rufus, quietly.

"Yes, Sir. I recognize that," replied Seddon.

"I will read the statement and you can tell me——" began Rufus Isaacs.

"There is nothing hurt me more than that since my arrest," interposed Seddon hotly.

"Listen to the question," said the Attorney-General, sternly.

But Seddon could no longer be restrained. "Do you think a man with five children would want his wife arrested and a baby ill which had been to the doctor that day?" he burst out.

"It is not suggested that you wanted to see your wife arrested," said Rufus dryly.

"Yes, it is suggested," snapped Seddon. "'Are you going to arrest my wife, too?' That was my greatest concern. It has been the greatest trial of my life since she has been arrested, and we have neglected the five children."

Mrs. Seddon, who followed her husband into the box, did not bear out the latter's picture of himself as a devoted husband. She was a forlorn, faded woman who, although only thirty-four, looked years older. Her tired face bore all the hallmarks of a miserable drudgery endured for a cold mean husband. It is not surprising that she made a better impression on the jury. Her lame answers, her thin trailing voice and her dim smile all combined to suggest that she had been duped by the man who stood watching her from the dock. Seddon had been self-confident and jaunty in the witness-box, but his wife brought an air of pathos into each of her answers. Quite instinctively

she let fall a clue to their relationship—"He never used to take any notice when I said anything to him: he always had other things to think of."

Rufus Isaacs cross-examined this witness with great thoroughness, but it was clear that she had made a good impression on the jury. The Attorney-General questioned Mrs. Seddon closely as to her reactions when Miss Barrow lay dying.

"Did you tell your husband about it when he came in?"

"Yes, I did," answered the witness.

"Did you smile at it?" asked Rufus grimly.

"Well, I have a usual way of smiling at almost everything, I think," murmured Mrs. Seddon. "I cannot help it. It is my way. No matter how serious anything was I think I would smile; I cannot help it."

"I want to understand what you meant your husband to understand," observed the Attorney-General evenly.

"Yes," answered Mrs. Seddon quietly.

"You told him when he came in that Miss Barrow had called out she was dying?"

"Yes."

"He asked you whether she was?"

"And I said 'No.'"

"And smiled?" suggested Rufus.

"And smiled," echoed Mrs. Seddon. "It is my usual way, I cannot help it," she repeated.

"But you smiled at the idea of her dying?" repeated the Attorney-General.

"No. . . ."

"Listen to the question," said Rufus sharply. "You meant him to understand that in your opinion she was not dying?"

"She was not dying, certainly," answered Mrs. Seddon and the colour rose to her cheeks. "I never wish anybody dead. I thought too much of Miss Barrow. I waited

hand and foot on her. I did all I possibly could do to get her better." Few could doubt the sincerity of those staccato phrases.

Marshall Hall stood up to make his final speech for Seddon on the ninth day of the trial. His speech was an excellent blend of detailed argument and passionate rhetoric. The great advocate had suffered from the strain of the long trial and looked tired. He had, however, tensed himself for the final effort and now spoke rapidly, but with great clarity. "I should like to point out to you what absence of proof there is in this case. First of all, there is absolutely no proof that Mr. Seddon ever handled any arsenic. Secondly, there is no proof whatever that Mr. Seddon ever administered any arsenic. Thirdly, there is no proof that Mr. Seddon ever knew that Mather's fly-papers contained arsenic. Fourthly, there is no proof that, even if he did know it, he knew that they contained a quantity sufficient to be dangerous to human life, and that that quantity could be extracted by a simple process. . . . There is prejudice, gentlemen, any quantity of it. The whole thing has been overladen with prejudice. It is one of those curious cases where, by reason of the fact that it is necessary in law to prove a motive for poisoning, this man and this woman have been exposed to merciless cross-examination on the suggestion that they are thieves."

Mrs. Seddon had been visibly affected by Marshall Hall's speech, and broke down and wept without restraint when the great advocate described Miss Barrow's agonizing death. "Gentlemen," he pleaded, "do not sweep these two people off their feet by the waves of prejudice, and then drown them in the backwash of suspicion. . . . Every attention was lavished upon this woman by Mrs. Seddon. Is it conceivable that any woman of that temperament could have been such a Judas? This woman has nursed her night after night, putting hot

flannels on her, and doing everything she could do for her, sitting in the room with all this fetid stench, then murdering her with a corrosive poison, burning out her inside in agony, and then when she is dead remonstrates because the blinds were not pulled down—remonstrates because they wanted to take the body out of the house—goes and buys a wreath, and takes the wreath to the undertaker, and—the final climax of hypocrisy that is worthy of a Borgia—when the coffin lid is lifted kisses the brow of the woman she has murdered!” Then came the appeal which everyone in Court was expecting. This time, however, the great advocate fell back upon a dramatic exhibition which had already done good service in a previous case. With outstretched hands he began to address the jury. “Gentlemen,” he said impressively, “I often think when I look at the great figure of Justice which towers over all our judicial proceedings, when I see the blind figure holding the scales—I often think that possibly the bandage over the eyes of Justice has a twofold meaning. Not only is it put there so that the course of Justice should not be warped by prejudice or undue influence one way or the other; but sometimes I think it is put there so that those who gaze should not see the look of infinite pity which is in the eyes of Justice behind that bandage, the look of infinite mercy which must always temper justice in a just man. Gentlemen, in that hand of Justice are held two scales, and you are the people to watch and decide, as the inanimate hand of Justice holds those scales aloft—it is you who decide what is the result of the weighing. The one scale is the scale of the prosecution, the other is the scale of the prisoner.”

Marshall Hall's four-hour speech came to a close with a characteristic tilt at the scientific evidence against his client. “Gentlemen,” he said, dropping his voice, “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. But there is one thing all scientists have never been able to find, never yet been able to discover, with all their research, and with all their study, and that is, how to replace the little vital spark 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."

Mrs. Seddon's Counsel, Mr. Rentoul, followed with a short but eloquent address in which he pleaded strongly for an acquittal. But Rufus Isaacs struck an entirely different note when he rose to make his final speech. The defending Counsel had made a passionate appeal to the emotions. The Attorney-General's indictment, however, was encased in cold reasoning. In cool easy tones, Sir Rufus Isaacs went carefully into Miss Barrow's financial transactions. Motive, he clearly realized, was not the smallest link in the chain of circumstantial evidence against the prisoners. "My submission to you," he said, "is that this is a material factor to take into account in this case, because if you come to the conclusion that they had dishonestly used the notes, and had got the gold with the greed and covetousness, unfortunately, of some men, dreading the arrival of the day when they might be called upon to account for the money, you get motive, overwhelming motive, for desiring this woman's death. If you add to that that there was the payment of the annuity which had to be made, the payment of which rested upon him as long as this woman was alive, then you get again a further reason why it would have been to his interest beyond all dispute that this woman's life should cease. . . . I am going to suggest to you that she (Miss Barrow) had no notion during the whole of this time that she was parting with her property, with her gold, or with her notes, and had never intended to get rid of gold or notes in the ordinary course of things."

Hour after hour, the Attorney-General evenly and precisely welded together the case against the Seddons. Motive and opportunity having been clearly established, Rufus Isaacs turned to the question of subsequent conduct and pressed home with decisive force the suspiciousness of Seddon's behaviour. He was, however, careful to throw out a significant hint regarding the position of Mrs. Seddon: "Supposing you come to the conclusion that you have no reasonable doubt with regard to the male prisoner, but that you have some doubt—you are not quite satisfied beyond all reasonable doubt—that the woman is Guilty, then it would be your duty to acquit her." Nor was Rufus unaware of the possible effect of Marshall Hall's rhetoric upon the jury. Speaking in cold astringent tones, he broke down the barrier of doubt which Marshall's oratory had so effectively raised before them. "You see now how the matter stands," said the Attorney-General firmly. "You understand, as you have done from the first when I opened the case, that this case rests upon circumstantial evidence. It is right when you are dealing with circumstantial evidence, that you should scrutinize, examine, and investigate it most carefully. It is utterly wrong to suggest, as has been suggested during the course of the speeches in this case, that you should not convict on circumstantial evidence. If criminals can only be convicted upon direct evidence of the crime, well, the result would be that a vast number of crimes which are detected, inquired into, and punished in these Courts, never would be discovered. . . . All I ask you is, when you have made up your minds, not to shrink from the conclusions 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 the conclusions you come to, and if you have done that, you will have

done your duty, and justice, I am satisfied, will have been done."

On the tenth day of the trial, Mr. Justice Bucknill began to sum up. It was soon apparent that the elderly Judge had been exhausted by the lengthy proceedings, for he contented himself with a somewhat sketchy analysis of the evidence. The summing up, which only lasted two hours, was, however, clearly against Seddon but in favour of his wife. The jury filed out slowly and all eyes turned to the two prisoners. It was noticed that Seddon looked tired and flushed. Mrs. Seddon, on the other hand, seemed to have acquired composure and was less affected. They were led from the Court, but in an hour they again took their places in the dock. Amid a hushed silence the Deputy-clerk asked his fateful question. Seddon was found Guilty. Those in Court strained for some sign of emotion on his face, but he remained completely unmoved. "Do you find Margaret Ann Seddon guilty or not guilty of wilful murder?" asked the slow deliberate voice. "Not Guilty." As the clerk bent over his book to record the verdict, Seddon walked steadily towards his wife and embraced her affectionately. Few of those in Court will ever forget the effect of the murderer's resounding kiss in that tense silence. Then Seddon moved away quickly and rummaged in his pocket for some papers while his wife was led sobbing from the Court. Her moans could still be heard after her exit and many in Court were weeping. But Seddon seemed completely unaffected, for he stood with his papers in his hand ready to make his statement. Asked if he had anything to say, he replied: "I have, Sir," and cleared his throat. There followed a remarkably clear speech in which Seddon swore his innocence. Knowing that both he and the Judge were Freemasons, he lifted up his hand to take the Mason's oath and said in a firm voice, "I declare before the Great Architect of the Universe, I am not guilty." Then calmly,

almost casually, "Anything more I might have to say I do not suppose will be of any account, but, still, if it is the last words that I speak, I am not guilty of the crime for which I stand convicted."

As the Judge assumed the black cap, he made a visible attempt to control his emotion, but his quiet voice faltered painfully as he proceeded to pass sentence. "You have a motive for this crime; that motive was the greed for gold," said his Lordship. "This murder has been described by yourself in the box as one which, if made out against you, was a barbarous one—a murder of design, a cruel murder." The voice took on a note of gentleness. "It is not for me to harrow your feelings."

"It does not affect me," said the prisoner calmly. "I have a clear conscience."

His Lordship continued: "The Attorney-General has conducted this case with remarkable fairness, and the jury have shown a patience and intelligence I have never seen exceeded by any jury with which I have had to do. I, as minister of the law, have now to pass upon you that sentence which the law demands has to be passed, which is that you have forfeited your life in consequence of your great crime. Try to make peace with your Maker."

"I am at peace," said Seddon.

When the Judge reached the words, "May the Lord have mercy on your soul," his voice trailed away. Seddon watched his Lordship wipe his eyes and smiled quizzically. Then gulping some water, he glanced towards the back of the Court and walked steadily from the dock.

The prisoner maintained his composure to the very end. The inevitable appeal failed and the Home Secretary saw no reason to justify a reprieve. But Seddon's avarice remained with him even in the death-cell. On the afternoon before his execution he sent for his solicitor to discuss the sale of his property. He refused to discuss the case but was eager to hear details of the proceeds of the auction

sale. On hearing that his goods had fetched little, Seddon was most disappointed. "That's done it!" he cried, crashing his fist on the table. He was executed at Pentonville on April 18, 1912, and died still protesting his innocence.

Public interest in the case was revived some months after the hanging when the *Weekly Dispatch* published a signed article by Mrs. Seddon in which she declared that she had seen her husband give the poison to Miss Barrow on the night of her death. Seddon was alleged to have terrified his wife into silence by threatening her with a revolver. A fortnight later, however, *John Bull* published an affidavit by Mrs. Seddon in which she retracted her confession and stated that she had spoken the truth at the trial, and had written the articles in order to silence the tongues of gossiping neighbours. Meanwhile, she had married and after the fiasco of the confession, folded her tent and went out to Australia with her husband.

The long and arduous trial had proved a great ordeal for Rufus Isaacs. Nor was he spared the criticism of the shortsighted. There were many who felt that the Attorney-General had pressed the case against Seddon with unwarranted force, while others doubted whether Rufus was justified in appearing at all. There can be no reasonable doubt, however, as to the latter point, for the Attorney-General was undoubtedly acting in accordance with strong precedent in leading for the Crown. As to the Attorney-General's so-called "hanging speech," it is well to remember that the prosecutor's rôle is quasi-judicial. Rufus Isaacs was confronted with a crime committed in mysterious circumstances by a man who was described by Marshall Hall as "the ablest man he ever defended on the capital charge." In these circumstances Sir Rufus was perhaps justified in bringing a coldly analytical mind to the case. At all events, both the Judge and Marshall Hall were satisfied with Rufus's handling of the case, and paid

tribute to it. The Attorney-General, for his part, was much relieved when the case was over. He had always been more at home in the Civil than in the Criminal Courts and had hurried out of Court before the jury returned their verdict. The day after the trial he sent a friendly letter of congratulation to Marshall Hall in which he alluded to his hasty departure.

I know you won't think it impertinent for me to write this to you. It is meant, and will be understood by you, as the expression of an opponent who loves to see work well and nobly done, and of a friend who has always received such generous (over-generous I think) recognition from you.

I am so glad I went away before the verdict was given. . . .

Yours ever,

RUFUS D. ISAACS.

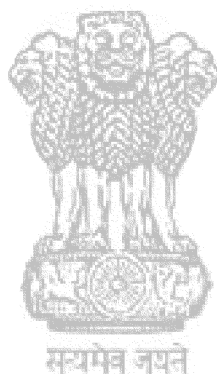
But the Attorney-General was not long idle. Within a few weeks of the Seddon trial, Rufus Isaacs found himself poring over all the harrowing details of the *Titanic* disaster. The great ship which had so proudly sailed on her maiden voyage from Southampton on April 10, 1912, had struck an iceberg four days later. Ice was about on that fateful Sunday night, but none scented danger. Some of the passengers were peacefully asleep, others were playing cards, and a few stalwarts were taking a turn in the splendidly equipped gymnasium. Suddenly there was a slight shock and the engines stopped. Few of the passengers took alarm. Was not the *Titanic* unsinkable? Those who went on deck to make inquiries were quickly reassured. But it was soon apparent that all was not well. The *Titanic* had struck the ice a glancing blow but the plates had been stripped off her side. It was only a question of time before the ship would sink. The

boats were quietly lowered and loaded. There was little panic at first, owing to the fact that few realized the gravity of the situation. But as the last boats were lowered there was a wild scramble for them. And while the *Carpathia* was speeding to the rescue, those on the *Titanic* saw themselves face to face with death. The last boats were gone and the *Titanic* herself was slipping desperately. The scenes on board have been often described. Heroism and cowardice were now cheek by jowl. Old couples clung to each other in resignation. Men turned to the card table in the hopeless certainty of death. Girls whispered their last confidences to each other and dabbed bravely at their lips. And while steerage and first-class passengers exchanged words of comfort, the bandsmen fixed on lifebelts and quietly took up their instruments. The cold night air was filled with ragtime and the jogging of feet. But as the stern rose out of the water the strains of "Nearer, my God, to Thee" brought the dancers to their knees. Long before dawn broke on Monday morning, the *Titanic* had slipped out of sight and over 1,600 human beings had vanished in the icy waters.

When the first shock of the calamity was past, people began to apportion blame without waiting for the facts. The White Star Offices were besieged by grief-maddened crowds. Excited public opinion plucked scapegoats on all sides and clamoured for criminal prosecutions. A Senatorial Commission of Inquiry had been set up on the other side of the Atlantic, but the roving character of its inquisition pleased nobody. The matter was subsequently thrashed out in an authoritative Board of Trade Inquiry held in London, and presided over by Lord Mersey (formerly Mr. Justice Bigham). Sir Rufus Isaacs and Sir John Simon led for the Board of Trade, while the interested parties were also powerfully represented. The Attorney-General was always at his best in a case involving a complexity of issues, and the incisive reasoning and scrupulous

moderation which he brought to his task proved of great assistance to the Court.

Within a few months Rufus Isaacs was himself being defended against a campaign of dark hints. The Marconi "incident" tickled robust palates and rumours circulated fiercely. Cynical shrugs are infectious, and the Attorney-General soon found that his honour was at stake. He had usually won his fights while often appearing to lose. This time, however, compromise could only produce a futile stalemate. He therefore resolved upon a fight to a finish.



CHAPTER VIII

ADVERSITY

RUMOUR is no respecter of persons, and in the years 1912-13 Rufus Isaacs found himself the victim of one of those whispering campaigns against which even the strongest are powerless. He had always worked in the background and had never sought publicity, but his very reserve added fuel to the exaggerated attacks which were made upon him. But to understand the Marconi episode it is necessary to realize that the bitter struggle over the Parliament Act had left a legacy of ugly party feeling. The temperature of the House was high and every opportunity was sought to discredit the Liberal ministers. Early in 1912, the Heaven-sent chance appeared in the shape of the Marconi Company.

At the end of the nineteenth century, Signor Marconi succeeded in interesting the British Post Office in his schemes. As the years passed, it became increasingly evident that wireless telegraphy had a great future, and great schemes were set afoot. In the year 1912 the British Marconi Company tendered for the establishment of a chain of wireless stations throughout the Empire. Mr. Herbert Samuel, who was then the Postmaster-General, had formed the Imperial Wireless Committee and was given authority to open up negotiations with the Marconi Company. The Managing-Director, Mr. Godfrey Isaacs—the Attorney-General's younger brother—negotiated on behalf of the Company and the two men eventually

arrived at terms. The haggling had been protracted but it is interesting to note that the loss of the *Titanic* did much to accelerate the last stage of the negotiations. After that terrible disaster it was apparent to all that a more efficient wireless system would benefit mankind.

The formal contract was concluded in July, 1912, and matters moved quickly. The stock market was optimistic and the shares soared. The Marconi shares, which had previously stood at £2, rose deliriously to £9 15s. *od.* and brought a by-product of scandal. Rumours that certain Ministers had been interested in the agreement spread rapidly. It was soon whispered that the three Jews, Herbert Samuel and the Isaacs brothers, had corruptly favoured the Marconi Company, and that the two Ministers had dealt on the Stock Exchange in the favoured Company's shares and made vast profits for themselves. In the course of the autumn, the whispers had hardened into paragraphs. One anti-Semitic journal, the *Eyewitness*, lacked nothing in frankness. One of Mr. Cecil Chesterton's paragraphs was typical of many: "Isaacs's brother is chairman of the Marconi Company. It has therefore 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. . . . Another reason why the swindle or rather theft—impudent and bare-faced as it is—will go through is that we in this country have no method of punishing those who are guilty of this sort of thing." Mr. Cecil Chesterton was subsequently charged with criminal libel at the instance of Mr. Godfrey Isaacs, and on being found guilty, was mulcted in the heavy costs of the prosecution. Mr. Herbert Samuel was also anxious to vindicate his honour, but Rufus had already sought Asquith's opinion. Describing the effusions of the *Eyewitness* as "scurrilous rubbish" the

Prime Minister advised the Home Secretary to "take no notice of it."

But the insinuations were not confined to the Press. The whispering-gallery at Westminster hummed with gossip and surmise. "As I walked across the Lobbies or in the streets, or to the Courts," said Rufus Isaacs, "I could feel the pointing of the finger as I passed." On October 11, in an atmosphere charged with political rancour, Mr. Herbert Samuel moved that "a Select Committee be appointed to investigate the circumstances connected with the negotiation and completion of an Agreement between Marconi's Wireless Telegraph Company, Commendatore Marconi and the Postmaster-General, with reference to an establishment of wireless stations and to report thereon, and whether the Agreement is desirable and should be approved. That the Committee have power to send for persons, papers and records." The terms of the Agreement had not pleased certain critics in the House and a lively debate ensued. Major Archer-Shee, who spoke for the Government, disliked the Agreement but dissociated himself from any charge of corruption. The only personal criticism made by him referred to a telegram which Rufus Isaacs had sent to the American Marconi Company in New York in March: "Please congratulate Signor Marconi and my brother on the successful development of a marvellous enterprise. I wish them all success in New York." The sending of this telegram, contended Major Archer-Shee, was "a great mistake and a most injudicious proceeding."

Mr. George Lansbury made no open reference to the current accusations, but his somewhat blunt references to gambling in Marconi shares brought Mr. Lloyd George to his feet in indignant protest. "The reason why the Government wants a frank discussion before going to Committee," cried the Chancellor of the Exchequer, "is because we want to bring here those rumours that have

been passed from one foul lip to another behind the backs of the House." Rufus Isaacs, for his part, explicitly denied having any interest in the British Marconi Company. "Never from the beginning . . . have I had one single transaction with the shares of that Company," he told the House, adding, "I am not only speaking for myself, but I am also speaking on behalf, I know, of both my Right Honourable friends, 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." Much was to be heard later of these Ministerial denials. For the present, however, the House had rejected the charges against the Ministers. The Select Committee continued to examine witnesses, but Sir Rufus Isaacs was not called upon.

Meanwhile, rumours were still current. In February, 1913, *Le Matin* saw fit to publish a paragraph under the heading "un scandale financier en Angleterre" which accused the Postmaster-General and the Attorney-General of corruptly trafficking in Marconi shares. Although the newspaper made a full and frank apology, Mr. Samuel and Sir Rufus Isaacs decided to take the opportunity of blowing the allegation out of Court. This formed the background for one of the most sensational disclosures ever made in a Court of Law.

The libel action came before Mr. Justice Darling on the 19th of March. Sir Edward Carson led F. E. Smith, Mr. Schwabe and the Prime Minister's eldest son, Raymond Asquith, for the plaintiffs. It need not be remarked that the leading Counsel for the plaintiffs were Tories, and that their acceptance of the Liberal briefs was much criticized by ardent Conservatives. They were constantly reminded that they had been trapped into accepting a brief which would prevent them from expressing their opinions in the House. But Smith and Carson took no such view of their position. Friendship played some

part in their decision, but professional propriety compelled them to make no political distinction between their clients. And Rufus Isaacs never forgot the part his friends had played.

The case itself seemed to present no difficulties. It was undefended and *Le Matin* emphatically admitted its mistake. But the plaintiffs were determined to thrash the matter out. Thus Rufus Isaacs and Mr. Herbert Samuel, speaking through the mouths of their political opponents, emphatically repeated their innocence. Then came the sentence which was to produce such a political storm. On September 17, 1912, six weeks after the tender had been made public, said Carson, Sir Rufus Isaacs had bought from his brother 10,000 shares in the American Marconi Company and had passed on a thousand shares to the Chancellor of the Exchequer and a like number to the Master of Elibank, the Chief Liberal Whip.

This disclosure fell into the country like a lighted torch into a pile of resinous wood. The gossips bandied hints with all the religious fervour of the ill-informed. The facts were quite simple. The American Marconi Company was controlled by the British Marconi Company but had no shares in the latter concern and was no party to the agreement which the British Government had contracted with Godfrey Isaacs. Rufus had bought 10,000 shares in the American Company at the market price of £2, on being assured that the Company had no interest in the British Company's agreement with the British Government. He had never lost his taste for Stock Exchange affairs and the transaction offered the delights of a flutter together with the chances of a good profit. Owing to the depreciation which followed the boom, however, Rufus ultimately made a loss of over a thousand pounds on the transaction. The intervention of the Chancellor of the Exchequer and the Chief Liberal Whip was

certainly no part of a cabal. Rufus Isaacs, Lloyd George and the Master of Elibank were on excellent terms and frequently met at meals and on the golf course. They often met under the same roof and it was not surprising that the "tip" should have been shared.

It was equally certain, however, that both Sir Rufus Isaacs and the Chancellor of the Exchequer had been guilty of an error of judgment in not referring to the American transaction in the House. In the debate on the appointment of the Select Committee, the two men had confined themselves to denying the suggestion that they had ever had any interest in the British Marconi Company. The American transaction was unknown to both enemies and friends and a word of reference to it in the House would undoubtedly have scotched the rumours. But Rufus Isaacs had fallen a victim to his own sense of relevance. Once it was agreed to appoint the Select Committee, Rufus felt it his duty to reserve his evidence for that quasi-judicial body. He had honestly believed that his holding in the American Company was irrelevant and determined not to confuse the general issues before the House. Rufus clearly looked forward to making an early appearance before the Committee and when he found that that body was in no hurry to call him he took the first opportunity to make his defence—in the *Le Matin* libel action.

But the Attorney-General had been guilty of an error of judgment and the Tories demanded satisfaction. Nor was Rufus loth to make his tragically-delayed explanation to the Select Committee. On March 25, the Attorney-General appeared before the Committee and willingly submitted to a searching cross-examination. His attitude was one of great frankness, and he told the story of his speculations with a wealth of detail. There can of course be no doubt of the necessity of the Select Committee, or of the Attorney-General's desire to disinfect the

atmosphere. Nor was the Committee perfunctory in the exercise of its function. Every aspect of the impeached transactions was carefully analysed. Rufus had bought his shares at £2 on April 17 and they were undoubtedly only offered on the Stock Exchange on April 19 at £3 5s. od. There was, therefore, some justification for questioning him closely as to these matters. But the Attorney-General's replies were precise and unequivocal. Asked whether the public could have purchased the shares at £2 on the 17th he replied: "I really do not understand why not. There was £1,400,000 going to be issued. There were dealings in America; people were buying and selling, and that was what constituted the market price. I had no full inside knowledge. I had no more inside knowledge than any person who might have any of the 1,400,000 shares." Rufus Isaacs contended that there were dealings in the American shares several days before the formal opening on April 19. It must be pointed out, however, that the Attorney-General had undoubtedly been in the possession of special knowledge imparted by his brother which had only become available to the public two days later. As to the crucial question of his reticence concerning the American transactions, Rufus made it clear that he had not acted according to the Prime Minister's instructions as was alleged.

The Attorney-General occupied the witness-box for three days, and more than once challenged his interrogators. "If any member of the Committee," he said grimly, "is imputing to me anything which affects my personal honour and integrity, then I demand that it should be put into perfectly plain language. I demand also, as I am entitled to demand, that the charge should be formulated." His fierce demand for definiteness was only equal to his eagerness to make a frank disclosure of his own conduct. Rumour had hinted that the Attorney-General had handled shares in the *British Marconi Company* through a nominee.

Rufus countered this allegation by offering to produce all his private accounts since he had first been called to the Bar in 1887.

In spite of Rufus Isaacs's frankness, the Committee's investigations could not be regarded as a success. Towards the end of May, the Liberal Chairman of the Committee presented a draft report which incorporated a moderate criticism of the Ministers concerned. The following week, however, the Committee considered the report of another Liberal, Mr. Falconer, and decided to accept most of its findings in place of those in the Chairman's report. This majority report was published on June 13, and completely acquitted the Ministers. "All the Ministers concerned have acted throughout in the sincere belief that there was nothing in their action which would in any way conflict with their duty as Ministers of the Crown," and "there is no ground for any charge of corruption or unfaithfulness to public duty or for any reflection on the honour of any of them."

But there was obviously too wide a difference between this comfortable majority report and the report prepared by Lord Robert Cecil, who held that the Ministers had been guilty of "grave impropriety." The country was therefore left with the uneasy feeling that the Liberals on the Committee had whitewashed their maligned Ministers. The Conservatives now prepared to go into battle again. The Committee had been unanimous in acquitting the Ministers on the charges of corruption, but the Conservatives were determined to echo the opinion of the minority of the Committee. Rufus Isaacs gladly accepted this last opportunity to vindicate his honour. He had given his evidence honestly and frankly, but his own supporters had chosen to equip him with a halo. The time was come to rid himself of this encumbrance and to acknowledge his fault.

On June 18, 1913, Conservative opinion found

expression in the vote of censure moved by Mr. Cave (a future Lord Chancellor): "That this House regrets the transactions of certain of His Majesty's 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." As Rufus Isaacs listened to the indictment he saw himself at the cross-roads. His fate was being decided in the minds of men on both sides of the House. For there were those among the Liberals who thought that the Ministers should be sacrificed in the interests of the Party. But, meanwhile, Mr. Cave was gravely condemning the Majority Report. He did not charge the Ministers with corruption but declared that they had infringed the unwritten laws of Ministerial procedure. "They had made a big profit," Mr. Cave reminded the crowded House. "They had made it in consequence of the information given to them by Mr. Godfrey Isaacs, representing the British Company, a company which was contracting, or about to contract, with the Government. They owed that profit to him, and if so, there was a clear breach of the rule, to which I have referred, that no Minister can take any favour or advantage from a man who is contracting, or about to contract with the Government . . . they had become interested in a company, the profits of which undoubtedly depended upon the conclusion and confirmation of the contract that was being negotiated." The future Lord Chancellor now examined the attitude which Rufus and Lloyd George had taken up when the Government moved for the appointment of a Committee. Mr. Cave, who spoke with great dignity and candour, crystallized his case in a few sharp sentences. "What did the Ministers do?" he asked the House. "The Chancellor of the Exchequer made a somewhat passionate protest, but made no statement. The Attorney-General made a careful statement in which he denied categorically these rumours with regard

to the British Company. He made no reference to the purchase of American Marconi Shares. I feel bound to say that I don't think in that respect he dealt fairly with the House." Cave turned towards the Treasury Bench where Rufus Isaacs sat. "I cannot help thinking that he thinks so himself to-day. He has said that he did not tell the House because he did not think the matter relevant to that debate, but that he intended to tell the Committee." Cave paused impressively. "The Committee began to sit at once. The honourable and learned gentleman offered to appear as a witness, but he gave the Committee no information as regards these purchases—no information that would lead them to take him as an early witness."

After this motion had been seconded, Rufus Isaacs walked steadily forward to the box. He had never distinguished himself as a defending Counsel, but now made a speech which must rank as both his greatest Parliamentary effort and his finest defending address. For once his impregnable blandness broke down. As he looked round at the set faces on the Opposition Benches it was noticed that he was deadly pale. When he began to speak, however, the strained expression slipped from his face. The Jew has always excelled in a fight against odds, and Rufus Isaacs seemed suddenly to have recalled the appeals to racial and religious animosity which many of his critics had made. But he did not plead or wheedle. His speech was a manly and resolute statement of fact, enriched by a warmth which was not usually associated with the Attorney-General. "It is I who introduced this transaction to the Chancellor of the Exchequer and the Master of Elibank," said Rufus firmly. "I have had an opportunity of saying before, on more than one occasion, and I repeat it now to the House, that whatever criticism has to be made on these transactions should, in the main, be directed to my action, and that whatever blame is to be attached

should fall upon me, and not upon my right honourable friends, the Chancellor of the Exchequer, and the Master of Elibank. Let me also say at the outset, and before I discuss any details of the American Marconi Share purchases, that with much that fell from the honourable and learned Member for Richmond (Mr. Cave) with reference to October 11 I am in accord."

But the Attorney-General refused to make a plea in mitigation of sentence. "I do not ask the House or any Member of it," he said, "to judge this transaction of mine by any lower standard than has been applied by the House of Commons at any time—aye, and I go further, and say that I do not ask this House to judge my conduct by any lower standard than has been imposed by the Liberal Party as applicable to Ministers, and that is the highest test." Rufus was, however, too good an advocate to be deterred from his purpose by the continuous rumble of approval which came from the Liberal benches. He had come not only to acknowledge his error but to explain all the circumstances. "My brother," said Rufus Isaacs, "is not represented in this House, and has no opportunity of dealing with this matter, and therefore I take this opportunity of stating my view with regard to it. He offered me the shares at the same price as they were offered to everybody else. He had half a million shares to deal with, and he had dealt with 400,000 and had another 100,000 to place. There was no favour or advantage of any description offered to me on that date. Other persons who had the shares, some in New York, bankers, stockbrokers, and stock-jobbers, had bought these shares at the very same price at which they were offered to me, and at which they were subsequently placed with other persons after I refused them. It is an absolute error," continued the Attorney-General, "to suggest that in the offer he made to me he was conferring any favour or advantage upon me. . . . That was what I knew at that

stage. I satisfied myself by inquiry and was told that the American Company was in no way interested in the contract with the British Government, that it did not make a halfpenny difference to the American Company whether there was a contract with the British Government, that the American Company was not interested in the profits or the dividends that might be derived from profit, of the English Company. These were the salient facts to which I directed my mind."

The House listened tensely as Rufus Isaacs carefully traced his part in the transactions. Many there were who studied the handsome semi-oriental face of the Attorney-General while he defended himself. But if his words carried the dignity of suffering there was no hint of pain in that composed face. Slowly and methodically Rufus dealt with each point raised by Mr. Cave. Then in a quiet but manly tone the Attorney-General admitted his error. "Let me tell this House," he said slowly, "that although I thought those transactions quite unobjectionable I thought they were correct, and that there could be no question raised with regard to them. I say now that if I had had all the facts present to my mind at the time I entered into those transactions, if I had known then all that I know now, if all had been disclosed to me that 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 the matter very careful consideration before I made this statement, and I say solemnly and sincerely that in what I have stated, I think in plain terms, I agree and will put it in language which, at any rate, is not too kindly to myself, that it was a mistake to purchase those shares."

Those critics who had expected subtle and evasive

dialectics from the Jewish Attorney-General were not a little taken aback by the frankness of his confession. They were equally discomfited by Lloyd George, who contrived to squeeze a neat confession into a vehement speech. The two friends left the House together to the accompaniment of loud Liberal cheering and the debate continued. Mr. Asquith declared his complete confidence in his colleagues and accurately summarized the opinion of the House when he said: "I have been as frank as my right honourable friends were frank in acknowledging what both they and I think was a mistake in judgment. But their honour, both their private and their public honour, is at this moment absolutely unstained." Mr. Balfour voted with his party on the vote of censure, but entirely endorsed the Prime Minister's view. The charge of corruption was "perfectly futile and absurd from the beginning and unworthy of the consideration of this House." But Mr. Balfour nevertheless wished the House "to leave on record something which indicates its regret at what has taken place."

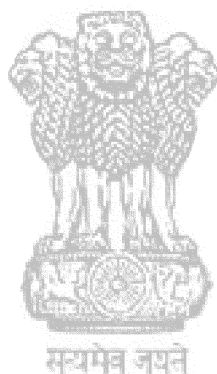
Mr. Cave's motion was ultimately rejected and an amendment proposed by Sir Ryland Adkins adopted. It was resolved that the House, having heard the statements of the Attorney-General and the Chancellor of the Exchequer, "accepts their expressions of regret that such purchases were made and that they were not mentioned in the debate of October 11, 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."

Almost before the Liberal rejoicings had died away, Rufus Isaacs found himself far removed from the hurly-burly of Westminster. But the change of scene did not make him forget one debt of gratitude. A day or two after becoming Lord Chief Justice, Rufus wrote to Carson in the following terms:

MY DEAR NED,

You behaved to me with all that nobility which is characteristic of you—there I must leave it—it almost overwhelms me.

And there it may be well to leave the unhappy Marconi episode. Rufus Isaacs committed a tactical error and paid the penalty of many anxious and painful days. But he had also tested the strength of his friendships.



CHAPTER IX

SINEWS OF WAR

RUFUS ISAACS had more than once appealed to the fairness and moderation of typical juries in the course of his long career at the Bar. He was now to receive imperishable testimony of the British sense of fair play. There will always be those who are eager to drag decaying corpses into every discussion. For them the Marconi "scandal" provided, and still provides, an occasion for dark hints and feverish eyebrow-raising. But to the average Englishman the Marconi affair had been buried in the amendment to which we have referred. Within a few weeks of the great debate in the House, Sir Rufus Isaacs received a great ovation when the Law Courts were opened by the customary Procession of Judges. His romantic career and the frankness with which he had faced his accusers had commended themselves to the public, while the affection in which he was held at the Bar had not wavered for an instant.

When Lord Alverstone retired from the Lord Chief Justiceship, in the autumn of 1913, all eyes turned instinctively towards the Attorney-General. Public opinion, which had long destined him for the high place, now reinforced the Government in its decision to appoint Rufus Isaacs. The latter well knew that acceptance meant turning his back upon Westminster, for the office of Lord Chief Justice is non-political. But Rufus did not hesitate on this score. He had never felt completely at home in the House of Commons, where his peculiar

talents were largely wasted. Nor had he ever seriously considered deserting the Law for Westminster. He was a serious Liberal with an impressive record at the Bar when he first entered the House of Commons. He had embraced Liberalism at a time when that creed was unpopular and suspect, and had never adapted his political faith to the whims of propagandists. In his Parliamentary career he had impressed the party leaders at a time when the Constitution was rocking deliriously. But in the eyes of the public Rufus Isaacs was not a politician but the distinguished advocate who had, in his early years, made a romantic voyage on the *Blair Athol*. It was only those behind the scenes who could have told of his value in Council. But the time was not far distant when the public was to need no reminder of Rufus Isaacs's talents outside the Law.

On October 20, 1913, Rufus was sworn in as Lord Chief Justice. The new Attorney-General, Sir John Simon, was present, at the head of numerous Members of the Bar, when Lord Reading—for the dignity of Lord Chief Justice automatically carries with it a seat in the House of Lords—was sworn in. The Lord Chancellor then welcomed Rufus in a speech which was something more than a formal tribute. "I will speak first of the new Lord Chief Justice," said Lord Haldane. "Some of us have known him for more than 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 the intimate daily contact of legal life. 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 master of the Law with such keenness in dealing with facts as is found in Sir Rufus Isaacs. He is a man whose highest desire has been to do right between man and man; he is a man of the highest honour

and of the highest desire to ensure truth when it can be ensured."

There can be no doubt that this tribute to the new Lord Chief Justice was echoed throughout the profession. Rufus Isaacs had never been to a University, but he had graduated with high honours at the university of the Bar, where he had made himself popular with graduates and undergraduates alike. His style of advocacy was not of the "all-in" variety, and as Carson rightly said, "though he hit hard, he never hit below the belt." But it was his knack of intimate courtesy which made the brilliant leader so popular with his fellows. His cheeriness of spirit and genial camaraderie endeared him to the humblest junior no less than to his most distinguished rivals. In a note to Sir Ellis Hume-Williams, when the latter took "silk," Rufus wrote as follows: "My very hearty congratulations to you, and may your career as a silk be as prosperous as your career as a 'Junior'—and may the united career lead you on to further fame and fortune! May we often be opponents in the arena of battle. This might to the uninitiated sound like a very doubtful compliment, but you know as well as I that it is infinitely pleasanter to have a thoroughly skilled opponent, who can be absolutely trusted to run straight as a line, than a less-skilled or a less-scrupulous one. . . . Again all good luck go with you. Yours sincerely, Rufus D. Isaacs."

That letter was typical of many. Speaking at a dinner given in honour of Rufus Isaacs on his appointment as Attorney-General, Sir John Simon had used words which were equally applicable in 1913: "It is his warm-hearted willingness to be friendly to his juniors, more than even his splendid qualities of intellect, which has caused his appointment as head of the profession to be welcomed by every member of the Bar."

Tributes to the new Lord Chief Justice circulated freely that autumn, and each referred strongly to his great

personal qualities. That generous freemasonry which has always characterized the legal profession had quickened magnificently at the first attack on the Attorney-General. Those who were removed from the arena of politics now came forward to express the views of every section of legal opinion. "Sir Rufus Isaacs never had an opponent who did not desire to walk homewards with him," said the *Law Journal* in a special memoir. Lord Justice Hamilton, a connoisseur of professional etiquette, referred with some warmth to the character of Rufus Isaacs. "I have known him for over five-and-twenty years," said His Lordship. "I have been with him, I have been against him; I have decided for him, I have decided against him; and after that I think I may take leave to say that I know him, and I am sure I shall carry all with me when I say that his has been a unique career, in which great gifts have been rewarded by great success. We have all known him at the Bar, where he has uniformly displayed the ardour of an athlete and the spirit of a sportsman. . . . Even when provoked by an opponent in the heat of advocacy and long discussion, is there anyone who ever saw Sir Rufus Isaacs fail in courtesy, cease to be obliging and accommodating when the interests of his client permitted him to be so, or fail to be firm, good tempered and calm when it was necessary to make a stand?" *The Times*, however, summarized the opinion of the majority of the public in a leading article—"For our own part, we trust and believe that his career on the Bench, when it comes to be reckoned up, will be no less distinguished than his astonishing career at the Bar. Meanwhile, it can only be regarded as a great misfortune that an absorbing controversy should have brought hesitation and discord into what would otherwise have been a unanimous chorus of approval."

The new Lord Chief Justice assumed office with mixed feelings. The rancour of the last few months had left a weary disillusionment in the man who had always taken

a fair-minded temperate view of politics. But retirement from the political scene meant divorce from much-prized human contacts. Rufus Isaacs had always kept in friendly touch with his constituents, who had shown their loyalty in no uncertain fashion. He gave expression to this sentiment in a letter addressed to a local official—"Greatly as I appreciate the new honour and dignity which have been conferred upon me, and highly as I value the prospect of serving the State in a judicial capacity, I sincerely and profoundly regret that the political ties that bound me to Reading must be severed. The closing of a happy chapter of one's life is usually accompanied by regrets, however bright may be the prospect of the future. I have been returned at five successive elections, and have sat in four Parliaments, as Member for Reading. From the outset, the relations between Reading and myself have been founded upon mutual trust and esteem, and I think I may say that, as time passed and our acquaintance grew, these relations ripened into affectionate attachment. They have been so harmonious and so intimate that I am saddened by the thought that, although many warm personal friendships will remain, the close and unbroken political association between Reading and myself must now cease."

Equally painful was the parting from the Bar and all its friendly rivalries and good fellowship. To a man like Rufus Isaacs that parting could not but be painful, for the appointment undoubtedly changed his entire social position. "Isaacs" had long been dropped and it was as "Rufus" that the Attorney-General was affectionately known to the whole profession. The translation to the office of Lord Chief Justice carried its imperious decree to every member of the Bar. And although Lord Reading fought hard to preserve the same human contacts, he was forced to accept the inevitable. The cheery wave of the hand gave way to the respectfully doffed hat.

But the new Lord Chief Justice was soon too occupied with his duties to cherish regrets. His first case was a difficult Stock Exchange action in which he was, of course, completely at home. He possessed all the natural qualities which qualify a brilliant lawyer for the Bench. During a quarter of a century of advocacy he had developed an instinct for decision and acquired a fund of patience. Although he had not at his command the massive erudition of Cockburn, Coleridge, or that great Master of the Rolls, Jessel, not one of these men brought to his office a larger store of personal gifts. The serenity of his temper, and the innate sense of fairness and dignity, were ideal judicial qualities and, allied to a wholesome disregard for the pedantic and a ready grasp of legal principles, they made his appointment inevitable.

Rufus, however, could not look back without regret. He was still in the early fifties and had always had a variety of interests. Finance, politics, the Bar and social life were now behind him. As the first few months slipped away Lord Reading found himself engaged in interesting, but scarcely exciting, work. He maintained the high traditions of his office and exhibited patience and fairness to all who appeared before him. The thrill of contest was gone, however. The Law had lost its zest.

But if Rufus Isaacs sometimes glanced regretfully behind him, he had no doubt as to the significance of his position. He clearly recognized that his appointment was of great significance to the Jewish race throughout the world. He had not only been the first British Jew to become Lord Chief Justice, but the first Attorney-General to be given a seat in the Cabinet. To Rufus Isaacs these distinctions were not merely a matter for self-congratulation. Through him England had given the world an object lesson in emancipation of thought. Nor did Lord Reading omit to remind the country in general, and his compatriots in particular, of this contribution to civilization. Speaking

at the Guildhall banquet in November, 1913, he said: "I count it indeed fortunate, and may I say, appropriate, that my first public utterance outside the Courts of Justice should be made here in the City—bound as I am to the City by memories of my early youth, my early associations and training; and remembering, as I do, that much of what has stood me in good stead in my life in later years was learnt in the City and amongst business men. . . . I cannot address you here to-night in the City without recalling that I should not be here, occupying this position at this moment, if it were not for the great struggles of the City—now so many years ago—in the cause of religious liberty. I should be ungrateful, indeed, if I allowed this opportunity to pass without reminding you that, first of all, it was the City that insisted upon members of my Community being members of your Corporation. And it was the City again that led the struggle for representation by members of my Community in the House of Commons. If I have strayed for a moment into these paths which, perhaps, are not peculiarly appropriate for the toast to which I am responding, it is because I should think that I were false to everything that is within me if I did not give utterance to these sentiments, remembering as I do that memories so quickly fade, and that, when a whole nation now agrees that there should be the fullest liberty and toleration, that was not the case when the City fought the battle which placed me here."

Within a few months race and religion were forgotten. Civilization was in the melting-pot. German Jews had invaded France and Belgium, and British Jews were fighting for their King and Country. With the outbreak of war the artificial barriers of race and party crumpled. To the Lord Chief Justice the War meant something more than an enlargement of the scope of his work. The enormous mass of legal business now included difficult questions

of International Law and public policy, cases dealing with the Defence of the Realm Act, the rights and liabilities of enemy actions and the Military Service Acts. But Lord Reading was needed for other tasks.

When war came it was inevitable that the Lord Chief Justice's talents should be requisitioned. The Liberal Party had given Sir Rufus Isaacs a seat in the Cabinet in recognition of his skill in Council. His calm level utterances had always been the product of a rich experience and a highly-trained mind. Lloyd George, in particular, had long admired his friend's gift of practical criticism and it was to the Lord Chief Justice that the sorely-harassed Chancellor of the Exchequer now turned. Soberly and grimly, Lord Reading faced the truth. The paralysis of foreign exchanges had reacted strongly on the London money market. Stocks had depreciated all round and on Friday, July 31, 1914, the London Stock Exchange closed its doors. Matters now moved briskly. The following day the Governor of the Bank of England applied for permission to exceed the fiduciary issue of notes. The situation was critical and perilous, and Lloyd George could not act alone. But his powerful instinct for talent was rarely at fault and he now turned to no less a person than the Lord Chief Justice. The latter was placed on a small Committee dealing with currency and finance, and quickly pierced the issues. On Sunday, August 2, the Chancellor of the Exchequer and the Lord Chief Justice conferred together. They formed an excellent team. Lloyd George was energetic and alert, while his distinguished lieutenant had the temperament of a judge and the specialized knowledge of a great financier. The two men worked quickly. It was decided that a moratorium of one month should be given to acceptors of bills. A few days later the issue of new currency notes was legalized. But the great accepting houses were still threatened with bankruptcy. Lord Reading knew that

the time had come for prompt action. He suggested that loans and a moratorium should be given to these houses. His advice was acted upon and the situation became less tense. Lord Reading had meanwhile become a highly valued member of the Committee, and he did not hesitate to make new suggestions. He was now dividing his time between the Treasury and the King's Bench Division with the greatest ease. The magic of high finance had never left his blood. Faced now with a delicate problem of the greatest importance, his brain reached out easily for the array of statistics which confronted him. The financing of the War could not, he knew, be conducted without breaking with orthodox methods. But his instinct warned him of the dangers of continuing the moratorium once it had served its purpose. It was upon his advice therefore that Mr. Lloyd George ended the moratorium on November 4.

The downfall of credit was arrested and the first great crisis of the War overcome without publicity. The public knew little or nothing of the unsensational mole-tunnelling which Lloyd George, Lord Reading, Sir George Paish and Sir John Bradbury had effected during those critical months. But although Lord Reading worked behind closed doors his efforts did not go unrewarded. In February, 1915, he was invested with the Grand Cross of the Order of the Bath. If the public did not fully comprehend why this unusual mark of distinction was bestowed, Lord Reading's colleagues at least had no doubt that it was richly deserved. "Throughout these conferences," says Mr. Lloyd George, "I found Lord Reading's aid invaluable. His knowledge of finance, his mastery of figures, his dexterity, and his calm and sure judgment helped at many turns." To the biographer, it is, perhaps, the Lord Chief Justice's calmness which is most remarkable. The volume of work would have overwhelmed a lesser man, and it must not be forgotten that to the duties

of war-time Lord Chief Justice were added those of husband and father. For Gerald Isaacs was at the Front serving with a distinction which was to be recognized later with the Military Cross and the French Croix de Guerre. And with all these anxieties, Lord Reading did not lose his sense of humour. Rufus Isaacs had never suffered from self-absorption and his personal charm proved a great encouragement to his colleagues in those trying days.

Within a few months of the great financial crisis, the Lord Chief Justice again found himself in his room at the Treasury. The problem of the United States was now placed on the conference table. It was obvious that the maintenance of a good understanding with that country was of the greatest importance. During the early days of the War, America had declared in favour of traditional neutrality, but the nation was slowly relaxing into pro-Ally sentiment. If our own activities regarding contraband irritated the Americans, the ruthless German treatment of neutral shipping outraged American opinion. But if moral opinion was pro-Ally there were other factors which made a seat on the fence a pleasant position. The United States were the greatest outside source of munitions and, as the British Ambassador in Washington expressed it, "The American conscience is on our side, but the American pocket is being touched." And it was that very pocket which the Lord Chief Justice was now asked to consider.

In August, 1915, Lord Reading and the Chancellor of the Exchequer crossed the Channel to confer with the French Finance Minister, M. Ribot. A few days later Lord Reading left for the United States as President of the Anglo-French Mission. It was an inspired appointment, for the genial "Rufus" succeeded in touching both the pocket and the conscience of America. The delegates managed to secure a joint loan of \$500,000,000, which

was to be spent in America on munitions. The loan had been over-subscribed in two days. But Lord Reading brought back more than war material. His thorough familiarity with the financial issues had obviously facilitated negotiation, while his charm and tact had made a great impression on the American public. Two years later the Allies were to receive emphatic evidence of the strength of these first impressions. . . .

After his return from the United States the Lord Chief Justice again found himself in Council. Mr. Lloyd George had become Minister of Munitions, but did not command universal support. The mischief-makers and malcontents buzzed angrily. With the death of Illingworth, the Chief Liberal Whip, it seemed that the Cabinet would split fatally. The Lord Chief Justice readily assumed the rôle of peacemaker. His high office and his universal popularity gave him the ear of every member of the Party while his gracious persuasiveness smoothed away grievances. Lord Reading had the ideal diplomatic temperament. He always grew tranquil when an opponent showed excitement and won more than one bloodless victory.

Scarcely less urgent was the necessity of preserving harmony between the Cabinet and the Press. As it became evident that the War was not a matter of months, tempers grew more frayed. Editors began to squeeze their dissatisfaction with the Cabinet into their columns, and the Ministers became alarmed. The successful conduct of the War depended upon an efficient propagandist machine and it was therefore necessary to stabilize the relationship between the newspapers and the Government. The Lord Chief Justice readily accepted the new brief. He was specially fitted to discharge the duties of a liaison officer. His mind was made for prompt and delicate action while his great reputation made his moderating influence invaluable. As a former member of the Government

he could diagnose the Cabinet with confidence while his freedom from party prejudices weighed heavily with all sections of political thought.

But Lord Reading did not confine his influence to the Council Chamber. He had a real understanding of the German character and realized that English public opinion was under-estimating the strength of the enemy. During his short stay in the United States he had been able to watch the progress of the War through neutral eyes, and the result was not encouraging. The short-sighted optimism of many of his countrymen seemed both pathetic and highly dangerous. While enthusiasts were hawking their elixirs among the incurable hopers and snufflers, Lord Reading sought to dispel this dangerous optimism. Speaking at Reading, he declared: "I think that the man who believes that we are at the end of the sacrifices to be made in this war is living in a fool's paradise. I believe that we shall have to go through more than we have hitherto had to suffer before we emerge in safety and see victory assured."

Meanwhile, Lord Reading did not neglect his legal duties. His administration of justice was marked by that fairness and courtesy which had characterized his work at the Bar. If he did not bring the same touch of magic to his judicial work, there was no doubt that he was an ideal war-time Lord Chief Justice. His judgments lacked perhaps the massive learning and the high literary quality of some of his predecessors. None, however, could question his remarkable gift of elucidation and wide humanity. Knotty questions of enemy trading came up for consideration, and it was well for this country that the Lord Chief Justice was both a brilliant lawyer and a man of affairs. But where the Lord Chief Justice succeeded most admirably was in his treatment of mob prejudices. Lord Reading had never succumbed to his own rhetoric and he was not in awe of democratic grievances. For all



his fervent patriotism he was determined to preserve the tradition of impartial British justice.

Towards the end of 1915, Lord Reading heard an action which excited great public interest. The case concerned two well-known naturalized British subjects, Sir Ernest Cassel and Sir Edgar Speyer. They were both financiers of German origin, and when the War broke out they were moving in the highest circles of Society and finance. Cassel was born in Cologne, in 1852, and had settled in London. He built the Central London Railway, and acquired colossal banking interests of an international character. His philanthropy was on an enormous scale and he entertained lavishly. He was knighted in 1899 and created a Privy Councillor in 1902. King Edward had been very fond of him, and these two were often seen together at the races. Sir Edgar Speyer was a younger man than Sir Ernest Cassel and not perhaps as well known. He was born in New York, in 1862, and was the son of Gustav Speyer of Frankfurt. He also settled in London and became a member of banking firms with offices in Frankfurt, New York and London. He helped to finance the Metropolitan and Underground Railways and soon became very wealthy. He was popular and much sought after, and became the Chairman of the Queen's Hall Orchestra. Rich and generous, he found himself a member of many charitable organizations. He became a naturalized British subject in 1892, a baronet in 1906, and a Privy Councillor four years later.

When the War broke out, the two Privy Councillors realized that their position was difficult, but they could not have anticipated such shrill persecution as began early in 1915. People began to raise their eyebrows as they passed the palatial Mayfair homes of the two "aliens." The eyebrow-raising became feverish as each day the heavy lists of casualties appeared in the newspapers.

Suspicion clutched at the tails of popular hysteria. Whispers led to tiny paragraphs and later to columns. The two favourites of fortune were soon freely regarded as pro-German. Speyer had a house at Overstrand, on the East Coast, and the malicious whispered that it was used for signalling. Social life became impossible for the two men, in spite of their denial and the tact of the Authorities. In May, 1915, Sir Edgar Speyer wrote with bitterness to the Prime Minister:

DEAR MR. ASQUITH,

Nothing is harder to bear than a sense of injustice that finds no vent in expression. For the last nine months I have kept silence and treated with disdain the charges of disloyalty and suggestions of treachery made against me in the Press and elsewhere. But I can keep silent no longer, for these charges have been repeated by public men who have not scrupled to use their position to inflame the overstrained feelings of the people.

I am not a man who can be driven or drummed by threats or abuse into an attitude of justification. But I consider it due to my honour as a loyal British subject and my personal dignity as a man to retire from all my public positions.

I therefore write to ask you to accept my resignation as a Privy Councillor and to revoke my baronetcy.

Mr. Asquith's reply was a model of tactful sympathy.

I can quite understand the sense of injustice and indignation which prompted your letter to me. I have known you long and well enough to estimate at their true value these baseless and malignant imputations upon your loyalty to the British Crown. The King is not prepared to take any such steps as you suggest in

regard to the marks of distinction which you have received in recognition of public services and philanthropic munificence.

Speyer, nevertheless, felt constrained to resign from the Chairmanship of Underground Electric Railways, the Presidency of Poplar Hospital and the Council of King Edward's Hospital Fund.

Sir Ernest Cassel did not propose resignation from the Privy Council, but he clearly shared Sir Edgar's indignation. In a letter to *The Times* he said:

SIR,

As many other British subjects of German extraction have given public expression of their feelings, silence might be misunderstood. Nearly half a century of my life has been spent in England, and all my interests—family, business, and social—are centred here. All my male relatives of military age are serving with the King's Forces. My unfailing loyalty and devotion to this country have never varied or been questioned, and while affirming this I desire also to express my deep sense of horror at the manner in which the War is being conducted by the German Government.

The persecution, however, continued. Clubmen began to discuss the chances of having Speyer and Cassel disqualified from sitting in the Privy Council. Matters came to a head in December, 1915, when a Scottish baronet, Sir George Makgill, brought an action against the two men to show by what authority they claimed to be Privy Councillors, since they were not natural-born British subjects.

The question came before a Divisional Court, consisting of the Lord Chief Justice, Mr. Justice Avory and Mr. Justice Lush. Mr. Powell, K.C., appeared for Sir George

Makgill, while Sir Robert Finlay, K.C., led Mr. Leslie Scott, K.C., and Mr. (afterwards Mr. Justice) McCardie on behalf of Sir Ernest Cassel. Sir Edgar Speyer, it was announced, did not wish to have the case argued, as he had already offered to resign his membership of the Privy Council.

Before the main issue was argued, the Attorney-General, Sir Frederick Smith, entered a plea denying the jurisdiction of the Court on the ground that no judgment in favour of Sir George Makgill was enforceable, as it would be an order against the Crown. The Court overruled this objection, and Mr. Powell then opened his case. His argument, which was based on statutory interpretation, may be briefly summarized. The Act of Settlement of 1700 had enacted that no aliens or naturalized persons could become members of Parliament or of the Privy Council, or hold any office of trust, either civil or military. An Act of 1844 had improved the status of aliens, but the latter were still to be excluded from Parliament and the Privy Council. Finally, the British Nationality and Status of Aliens Act, 1914, enacted that naturalized persons were to have the status of natural-born British subjects. Mr. Powell contended that the disabilities against alien-born persons were preserved in spite of the Act of 1914.

Lord Reading, however, overruled this contention and after a clear review of the statutory provisions found for Speyer and Cassel. Mr. Justice Avory and Mr. Justice Lush concurred, and the decision was subsequently affirmed in the Court of Appeal.

Such a case does not, however, end in a Court of Law. Shattered by the ceaseless whispering against him, Sir Ernest Cassel spent his last days in sad retirement at Bournemouth. Speyer's roots were more firm. He had married the daughter of a German Count and held a Prussian Order. His brother in America was known to

be pro-German and Edgar Speyer soon joined him in New York. He carried on anti-British activities and, in 1921, the Home Secretary announced the revocation of his certificate of naturalization.

The tragedy of these two men pales, however, beside the sad fate of Roger Casement, the native-born Irishman whose patriotism was divided against itself.

In April, 1916, the papers announced that Sir Roger Casement had been arrested by the Irish Constabulary on the Kerry coast, near Tralee Bay. The circumstances suggested an attempt to run men, arms, and ammunition for the purpose of raising rebellion in Ireland. The suspected man was no ordinary adventurer. He had been in the Consular Service for twenty years and had retired on a pension in 1913. As Consul in the Congo Free State and Consul-General at Rio de Janeiro, he had become conspicuous for his inquiries into the rubber industry. Two years before his retirement he had been knighted and given the C.M.G. His prestige was high, on account of his long and devoted service, and there was little in his past to connect him with the sinister activities of which he was accused.

The terms of his letter acknowledging his knighthood had been almost fulsome:

DEAR SIR EDWARD GREY,

I find it very hard to choose the words in which to make acknowledgment of the honour done me by the King. I am much moved at the proof of confidence and appreciation of my service on the Putamayo conveyed to me by your letter, wherein you tell me that the King has been graciously pleased to confer upon me the honour of Knighthood. I am indeed grateful to you for this signal assurance of your personal esteem and support. I am very deeply sensible of the honour done me by His Majesty. I would beg that my humble

duty might be presented to His Majesty when you may do me the honour to convey to him my deep appreciation of the honour he has been so graciously pleased to confer upon me.

I am, dear Sir Edward,

Yours sincerely,

ROGER CASEMENT.

The Government soon received strange tidings concerning the writer of that letter. Retired at the early age of forty-eight, unmarried, shy in society, fiercely romantic, Casement saw in the Irish cause a field for his energies. Towards the end of 1914, he was known to be moving about freely in Germany under the benevolent supervision of the German Government. He was reported to have been in constant touch with the Irish prison camps, and to have made speeches to the prisoners. In February, 1916, the rumours came to a head. Some of the Irish prisoners at the great camp of Lahn Limburg were exchanged, and their stories of the former Government official carried on them the ugly impress of treason. The public mind, already stirring bitterly at the rumours, hardened into frank hostility and contempt after Casement's arrest. On April 21, the British sloop *Bluebell* was patrolling off Tralee when she sighted a vessel sailing the Norwegian flag. The captain of the *Bluebell* became suspicious, and signalled. He was told that she was the *Aud* of Bergen, but, still unsatisfied, he took her in charge and ordered her to follow his vessel to Queenstown. Just off Queenstown, the *Aud* stopped her engines and threw out a cloud of white smoke. The *Bluebell* turned about and approached rapidly. Under cover of the white smoke two German ensigns were broken at her mast and two boats were quickly lowered from the davits. The *Bluebell* fired a round at the bows, and the men threw up their hands and were placed under an armed guard. The crew of the *Aud*

consisted of German bluejackets, nineteen seamen and three officers. The *Aud* sank slowly, and divers who were sent down found many rounds of ammunition on the seabed. Casement's connection with the *Aud* was not difficult to see. A day before the *Aud* incident, a few Irish peasants living on Tralee Bay were surprised to find a boat on the deserted shore. The matter was reported to the Chief Constable at Ardfest, who searched the boat and found a heavy bag containing ammunition and lifebelts. A few hours later he ran Casement to earth in an old Irish ruin. He was arrested and marched off to the police-station, but not before he had dropped a piece of paper containing his code. The small boy who inevitably treads on the heels of the policeman on such occasions now rendered signal service by picking up the unnoticed scrap of paper and handing it in at the station. Three days later it was announced that a grave insurrection had broken out in Ireland, the significance of which to Casement was clear. The successful landing of the arms and ammunition could have been very conveniently linked up with the insurrection to form a very real danger to the British Empire. As it was, Casement was put under arrest and taken to the Tower of London. On his arrival in England he made a statement to the police in which he said: "I am Sir Roger Casement, and the only person to whom I have disclosed my identity is a priest in Tralee, Ireland." He had not slept for twelve nights and was looking forward with pleasure to some rest in the historical prison.

On May 13 he appeared at Bow Street to hear the formal charge against him. The inquiry took place on the 15th and lasted three days. The prisoner had obviously profited by a rest, for he had dressed with particular care and looked debonair and elegant. His pointed beard was beautifully trimmed, his black hair was perfectly oiled and brushed, and his face seemed to have become spiritualized in suffering. His demeanour did not impress those in

Court. He seemed to be incapable of repose. When he was not scribbling in a note-book he would bite his nails and smile. His bronzed features reflected his conflicting emotions. A sudden painful twitching was succeeded by an eager smile to a friend in Court. While the Attorney-General, F. E. Smith, was presenting the Crown case, Casement's fingers drummed upon the dock rail or strayed to his clothes.

On May 17 he was committed for trial. The Attorney-General had suggested that it was desirable to push on proceedings as quickly as possible, in view of the situation of Irish affairs. The Government acted quickly and, on May 25 the Grand Jury returned a True Bill. The prisoner was then assigned Counsel, in accordance with the Treason Act of 1695. The Counsel assigned were Mr. Alexander Sullivan, K.C., the Second Serjeant of the Irish Bar, a tall bearded Irishman who had been called to the English Bar in 1899, Mr. Artemus Jones, and Professor J. H. Morgan. The last, a brilliant Constitutional lawyer, was not assigned as Counsel but was allowed to address an argument to the Court as *amicus curiæ*. Counsel for the Crown formed a glittering array of legal talent. The Attorney-General (Sir Frederick Smith, K.C.) and the Solicitor-General (Sir George Cave, also a future Lord Chancellor) led Archibald Bodkin and two future Judges, Mr. Travers Humphreys and Mr. G. A. Branson.

The trial opened on June 26, in the Lord Chief Justice's Court, before the Lord Chief Justice, Mr. Justice Avory, Mr. Justice Horridge and a jury. Apart from the interesting procedure, the trial is worth describing as the story of the most thrilling spy episode in our criminal archives.

The proceedings opened with the Usher's cry "Oyez." He adjured "all manner of persons to keep silence" and to listen to the arraignment. After the Master of the Crown Office had read the indictment, Serjeant Sullivan

moved to quash it "on the ground that no offence known to the law is disclosed by the indictment as framed." The Lord Chief Justice suggested that the motion for quashing should be taken at the end of the case for the prosecution, and this course was adopted.

The prisoner pleaded "Not Guilty" in a firm resonant voice, and the Attorney-General then opened the case for the Crown. His speech was a masterpiece of concise and unemotional narrative. After describing the prisoner's character, he pointed out that the prisoner was not a life-long rebel against England and all that England stood for, as many others well known in Irish history had been. "His career," said the Attorney-General, "had not been without public distinction, and the earlier stages of it, it may even now be remembered to his credit, were directed, not to the destruction of this great Empire, but to its consolidation and development." Quietly, almost nonchalantly, "F.E." read out the letter of thanks in which Casement had acknowledged his knighthood. His comment upon the letter was incisive. "The sovereign of the country to whom his humble duty was sent in 1911 was, in that year, the ruler of a great and wealthy nation, living at peace, unassailed, and it almost seemed unassailable. In 1914 this same nation was struggling for its possessions, for its honour, for its very life, in the most prodigious war that had ever tested human fortitude. To the sovereign of that country, in the hour of its unchallenged greatness, he sends his humble duty. It will be my task now to acquaint you with the manner in which he carried out his humble duty in times dark enough to test the value of the unsolicited professions he was so forward in making."

The Attorney-General went on to describe Casement's activities in powerful, but pointed sentences. "The Irish prisoners of war were there [in Germany]," he said, "emotional, excitable, uninformed, the easy victims, it was

hoped, of seduction. Nor was the seducer wanting: the letter-writer of 1911 was to be tested." Casement introduced himself as "Sir Roger Casement, the organizer of the Irish Volunteers." Ireland, he claimed, would have everything to be gained by Germany winning the war. Those who joined the Irish Brigade would be sent to Berlin as the guests of the German Government. In the event of Germany winning a sea battle, Casement promised to land a brigade in Ireland to defend that country against the enemy England. If Germany lost the war, either he or the Imperial German Government would give each man in the Brigade a bonus of from £10 to £20 with a free passage to America. These promises were received with contempt by the vast majority of the prisoners, and the tempter was greeted with hisses. One private in the Munster Fusiliers actually struck Casement, who was only "saved from further violence by the intervention of an escort of Prussian Guards, who had been assigned to him for his protection by a nation which thinks of everything." Those Irish prisoners who turned their backs on Casement were punished by a reduction in their rations. The few men who were seduced from their allegiance were given a green uniform with a harp and shamrock worked upon it, and unusually liberal rations.

Counsel then described the events which had taken place on the lonely and wind-swept Kerry coast near Tralee Bay. The code which the small boy had picked up was then examined. A few of its terms showed the nature of the contemplated messages: "Await further instructions. Await favourable opportunity. Send agent at once. . . . Railway communications have been stopped . . . send another ship to . . . send a vessel if possible." The Attorney-General's concluding sentences remained with the jury long after he had sat down: "Rhetoric would be misplaced, for the proved facts are more eloquent than words. The prisoner, blinded by a hatred to this country,

as malignant in quality as it was sudden in origin, has played a desperate hazard. He has played it and he has lost it. To-day the forfeit is claimed."

The prosecution then called its witnesses, who supplemented "F.E.'s" rhetoric with their roughly-told but vivid stories. Casement listened to these exchanged Irish prisoners with apparent unconcern. The Solicitor-General examined a former private in the Munster Fusiliers concerning the Irish Brigade.

"What were they to do in Ireland?"

"Free Ireland," came the reply in a rich Irish brogue.

"Did he say whom they were to fight against?"

"Against England."

His companions gave even more damaging evidence. Daniel O'Brien, formerly a private in the Leinster regiment, told of a speech in which Casement had said that he had come to form an Irish Brigade, and wanted all Irishmen to join the Brigade and become "guests of the German Army."

Other witnesses followed, who told of how they were punished for refusing to join the Brigade.

Those in Court grew indignant as the soldiers told of how the bread rations were reduced from 750 grammes to 300, and mangolds were substituted for potatoes.

The landing of Casement in Ireland was described by the simple Irish peasants who had come to give evidence. A farmer described how he had risen at two o'clock on Good Friday morning to say his prayers at the Holy Well. He had noticed a strange boat and footprints. The Bench had followed the story of these men with great attention, and the three Judges were alert for ambiguous answers. The farmer had noticed "three footprints," but Mr. Justice Avory was anxious to have the matter made clear.

"What do you mean," he asked, "by 'three footprints'?"

"Footprints of three men," explained the man.

The small boy who had picked up the code gave his evidence without a trace of nervousness. He was obviously enjoying every second of his triumph as he described picking up the piece of paper.

After much tedious evidence of a formal nature, the case for the Crown concluded.

Serjeant Sullivan now rose to quash the indictment. His highly technical argument lasted two hours, and the jury grew more and more dazed. Counsel pleaded that the Statute of Treasons of 1351 did not apply to acts committed outside the realm. This contention was bedecked with rich, but somewhat dull, learning. Casement yawned enormously while his Counsel conducted their learned arguments. Serjeant Sullivan's submissions were tested at every point by their Lordships. Lord Reading was completely at home in this case. His acquaintance with the mass of case law was extensive, and on more than one occasion Counsel stood corrected. His Lordship's wonderful memory was, indeed, only matched by his skill in technical construction.

Before Serjeant Sullivan made his speech for the defence, Casement stood up to make a statement. In a quiet dignified tone he denied receiving German gold or being responsible for the reduction of the prisoners' rations. "I trust, gentlemen of the jury," he said impressively, "I have made that statement clearly and emphatically enough for all men, even my most bitter enemies, to comprehend that a man who, in the newspapers, is said to be just another Irish traitor, may be a gentleman."

Serjeant Sullivan was faced with a formidable task, especially as he did not propose to call witnesses. His argument was nevertheless well considered and ingenious. He urged that Casement's activities were prompted by a desire to use the Irish Brigade for the defence of Southern Ireland against the Ulster Volunteers. The argument was plausible, backed as it was by the mass of evidence which

indicated that the Brigade was to be used only in Ireland. Counsel had spoken for two hours when his voice seemed to grow frayed. He began to repeat himself hopelessly. Suddenly he paused. This was, however, no attempt to regain his argument. His whole frame trembled as he tried to form a sentence. "I regret, my Lord," he murmured weakly, "to say that I have completely broken down." He sank into a chair and buried his head in his hands.

"Then, of course," said the Lord Chief Justice sympathetically, "we will adjourn until to-morrow morning."

The following day the Judges took their places with a sense of relaxed tension. Mr. Sullivan had wisely decided to let his Junior carry on.

Mr. Artemus Jones made a dignified appeal to the jury. "The ancient and valiant race from which this man springs does not produce the type of man who shrinks from death for the sake of his country. The history of Ireland contains many melancholy and sad chapters, and not the least sad is the chapter which tells and speaks so eloquently of so many mistaken sons of that unfortunate country who have gone to the scaffold, as they think, for the sake of their native land. I am not going to base any appeal to you upon emotion. If the Crown has made out their case, it is your duty as lawful citizens to return a verdict of 'Guilty': but I claim this, that the law requires that the Crown should prove their case and prove it up to the hilt. . . ."

The Attorney-General followed with a powerful speech, in which he prodded all the weak points in Casement's defence, especially the possession of the code and the plan of landing in Ireland after a German naval victory. Counsel made great play with the prisoner's relationship with the German Government. "I am unaware," he said quietly, "of anything in the history of the German nation during this war which would lead me to accept with

enthusiasm the suggestion that they would be prepared to offer unlimited hospitality to a number of Irish soldiers in order that when the war was over they would be able to write a new page in the purely domestic history of their country." He concluded his speech on a sharp note: "I have discharged my responsibility in this case: I leave you to discharge yours."

The Lord Chief Justice summed up the difficult case with great acuteness. He opened his address by warning the jury not to be prejudiced by political considerations. "For myself," he said soberly, "I always feel anxiety in a Court of Justice when there is any possibility of the introduction of political passion. Justice is ever in jeopardy when passion is aroused. To deal with this case you must consider it, as I am sure you will, quite calmly and dispassionately, according to the evidence. Pay no more attention to what has been said with regard to the condition of Ireland before the War or after the War than is necessary in order to understand the circumstances of this case, and more particularly to do justice to the defence which is set up." The Lord Chief Justice now weighed the evidence. His Lordship's calm analysis was a logical reinforcement of the facts and a dispassionate commentary on the evidence. "If I may put it as simply as possible," observed Lord Reading, "the defence says that Sir Roger Casement only asked persons, these soldiers, to become members of the Irish Brigade for the purpose of assisting to resist the Ulster Volunteers after the War had concluded. The whole importance of this, for the moment, is whether it is right to say that that is the true effect of the evidence. The Crown says to you that that is not the true effect: that every fact that you examine points to the contrary; and that what was intended was, that at the first sea victory Irish soldiers should be landed, and that the Irish Brigade should then be introduced into Ireland. . . ."

His Lordship had spoken for two hours, but the jury

needed only half that time to reach a verdict. Their names were called over in painful silence, and the foreman then announced the verdict of "Guilty."

On being asked if he wished "to say for himself why the Court should not pass sentence and judgment upon him," Casement drew a bulky manuscript from his pocket and began to read. His hands trembled violently, although a satirical smile played over his lips. The speech itself had been prepared three weeks before in anticipation of the verdict. It was obviously the work of a brave, but fanatical, idealist.

"Loyalty," he said passionately, "is a sentiment, not a law. It rests on love, not on restraint. The Government of Ireland by England rests on restraint and not on law; and since it demands no love it can evoke no loyalty. . . . If small nationalities were to be the pawns in this game of embittered giants, I saw no reason why Ireland should shed her blood in any cause but her own, and if that be treason beyond the seas I am not ashamed to avow it or to answer for it here with my life." He paused and glared at the Attorney-General who sat with his eyes closed. Casement's lips tightened as he turned to his document. "The difference between us," he said harshly, "was that the Unionist champions chose a path they felt would lead to the Woolsack; while I went a road I knew must lead to the dock, and the event proves we were both right . . . and so, I am prouder to stand here to-day in the traitor's dock to answer this impeachment than to fill the place of my Right Honourable accusers."

Suddenly he returned to the question of Ireland.

"And what will Home Rule do in return for what its vague promise has taken and still hopes to take away from Ireland? It is not necessary to climb the painful stairs of Irish history—that treadmill of a nation whose labours are as vain for her own uplifting as the convict's exertions are for his redemption—to review the long list of British

promises made only to be broken—of Irish hopes raised only to be dashed to the ground. Home Rule when it comes, if it does, will find an Ireland drained of all that is vital to its very existence—unless it be that unconquerable hope we built on the grave of the dead. We are told that if Irishmen go to die by the thousand, not for Ireland, but for Flanders, for Belgium—for a patch of sand on the deserts of Mesopotamia or a rocky trench on the heights of Gallipoli, they are winning self-government for Ireland, but if they dare to lay down their lives on their native soil, if they dare to dream, even, that freedom can be won only at home by men resolved to fight for it there, then they are traitors to their country, and their dream and their death are alike phases of a dishonourable phantasy. But history is not so recorded in other lands. In Ireland alone in this twentieth century is loyalty held to be a crime. . . .”

“Oyez!” shouted the Usher, and the three Judges assumed the black cap. Amid a deep silence the Lord Chief Justice sentenced the prisoner to death. While Lord Reading was speaking, Casement smiled with sardonic indifference. . . He seemed to be the least disturbed person in the Court. The calm voice of the Lord Chief Justice grew quieter as he said the last words, “And may the Lord have mercy on your soul.” “Amen,” said Mr. Justice Avory.

Although Casement had denied the jurisdiction of any English Court to try him, he did not hesitate to appeal to the Court of Criminal Appeal. That Court, presided over by Mr. Justice Darling, dismissed the appeal without calling upon the Attorney-General to reply to Serjeant Sullivan. The higher Court had cause to be grateful to the Lord Chief Justice and his fellow Judges for the patience and skill with which they had heard the difficult case.

In the interval between Casement’s sentence and his execution he was de-knighted and his name was erased

from the Register of C.M.G.s. Meanwhile, several petitions were sent to the Prime Minister and Home Secretary on his behalf. A reprieve, it was urged, would soothe the bitter feelings in Ireland and make a good impression throughout the Empire and abroad. It was also suggested that the tropical fevers which Casement had experienced during his career of public service had unbalanced him. Among those who signed one of the petitions were William Archer, Arnold Bennett, G. K. Chesterton, Conan Doyle, John Drinkwater, John Galsworthy, John Masefield, the Bishop of Winchester and Israel Zangwill. Lord Oxford has said in his biography that although the Cabinet were prepared to reprieve Casement on the ground of insanity, no alienist would accept the responsibility of certifying him. And on the morning of August 3, 1916, Roger Casement was hanged in Pentonville Prison.

Lord Reading's most famous judgment stabilized the position of aliens in time of war, and it provides a splendid example of his judicial temper. The celebrated case of *Porter v. Freudenberg* arose out of a prosaic action to recover a quarter's rent. The defendant resided and carried on business as a mantle manufacturer in Berlin, but had for some time before the War carried on a branch establishment in Hanover Square by means of an agent. The War had converted Freudenberg into an "alien enemy," and the question arose as to whether he could be sued for the rent due. This question was, of course, of the greatest importance, involving as it did the whole position of enemy aliens. The Lord Chief Justice presided over a Court of Appeal, composed of seven judges, to decide this action. Lord Reading's judgment in this case is now regarded as classical by student and lawyer alike. After presenting the law in all its aspects, the Lord Chief Justice reduced the findings of the Court to a few lucid but pointed sentences. "Having decided that an alien enemy's right

to sue," said Lord Reading, "or to proceed either by himself or by any person on his behalf, in the King's Court, is suspended during the progress of hostilities, and until after peace is restored, the next point to consider is whether he is liable to be sued in the King's Courts during the War. . . . *Prima facie* there seems no possible reason why our law should decree an immunity during hostilities to the alien enemy against the payment of just debts or demands due to British or neutral subjects. The rule of law suspending the alien enemy's right of action is based upon public policy, but no considerations of public policy are apparent which would justify preventing the enforcement by a British or neutral subject of a right against the enemy. . . . To deny him that right would be to deny him justice, and would be quite contrary to the basic principles guiding the King's Courts in the administration of justice." It was therefore decided that an alien enemy could not sue in the King's Courts, but that if he were sued he had a right to defend the action and a right of appeal.

Interesting, also, was Lord Reading's work in the Court of Criminal Appeal. He was a firm believer in the benefits of a humane attitude and never lost a chance of reducing a sentence if the facts warranted it. It is to his lasting credit, moreover, that he established the principle that the Court of Criminal Appeal should be a true court of revision, with full power to quash verdicts and reduce sentences. Throughout his career in that Court there ran a thread of sympathetic understanding and humanity. The following judgment exemplifies both Lord Reading's attitude to severe sentences and his tone of simple statement: "The record of this appellant is a bad one. The fact that he was convicted of shopbreaking after his detention at a Borstal Institution showed that that detention, so far as reforming him was concerned, was a failure. It has now been said on his behalf that he went down to Ebbw Vale to get work, and then again had recourse to a crime of a

serious character. He was found in possession of tools which showed that he must have had in his mind the commission of the crime, and that he did not yield to a sudden impulse. That fact was, of course, taken into account by the Chairman. The sentence of five years' penal servitude is, however, in our opinion, too severe. On the other hand, it is impossible to say that a sentence of penal servitude is too severe in this case. Various attempts have been made to reform this young man, and as they have failed he must go to penal servitude for three years." Nor was this an isolated case of leniency. Lord Reading, unlike so many great lawyers, had not become embittered through the hard years of the Bar. Year by year he accumulated experience of mankind's wickedness, but always remained sympathetic and warm-hearted. But although he had no sentimental sympathy for the hardened offender, he anticipated the future in advocating the need for improved reformatory measures. It is significant, moreover, that whenever Lord Reading's name figures in the Criminal Appeal Reports it is not infrequently followed by the magical words "Sentence Reduced."

It was not long, however, before Lord Reading was again compelled to leave the King's Bench Division. The beginning of 1917 was marked by stirring and momentous events. The War had lasted nearly three years, and both sides were at extreme tension. France and Britain were desperate, Austria was disintegrating, and Russia was overwhelmed by revolution. Germany was being forced to make concessions to her suffering people, while England was in the hands of a triumvirate composed of Lloyd George, Bonar Law and Carson. In December, 1916, Mr. Lloyd George, then Secretary of State for War, suggested that Asquith should be withdrawn from the Presidency of the War Committee. The approaching change in the direction of affairs had, of course, long been foreshadowed. The Prime Minister's brilliant rhetorical

and intellectual gifts were suited to a peace-time administration, but not to the tasks of War. Mr. Asquith had a respect for tradition which deeply irked his more volatile lieutenant. After the death of Raymond Asquith it was evident that the Prime Minister's initiative, never strong, had been severely weakened by his great personal suffering. Mr. Lloyd George, on the other hand, was at the height of his powers. Both physically and temperamentally he was suited to War direction. His energy and unquenchable optimism had more than once confounded his political foes, while his personal hypnotism demanded a wider field than the benches at Westminster. The desperateness of the situation now reinforced his plea that the conduct of the War should be taken out of Asquith's hands. The latter, who had half agreed to the reshuffling of the War Committee, became embittered by the intrigues and personal schisms which developed, and withdrew his provisional assent. Mr. Lloyd George's resignation brought Asquith down with him and in the new Government the former assumed the direction of affairs.

The new Prime Minister asserted himself quickly. Mr. Lloyd George was completely unperturbed by tradition and had no veneration for military and naval hierarchies. But although his mind remained unclouded by battle smoke he was faced with an almost overwhelming task. Chief of his difficulties was the problem of transforming America's benevolent neutrality into active co-operation. President Wilson had been re-elected in November, 1916, on the slogan of splendid isolation, and at first confined himself to somewhat avuncular exchanges with the combatants. He was a strong Party man and had always waited for public opinion. The situation now gave him every opportunity to achieve his long-cherished ambition of acting as mediator. He had no heart for a fight and gloried in protests of words. While the slaughter increased, President Wilson continued to assure America,

"There will be no War." Meanwhile, events were taking place which forced even the unwilling hand of the American President.

A shudder of despair had swept through war-weary Russia. Germanophil tendencies were now too plain to be ignored. Rumours of a separate peace filled the Allies with apprehension, rumours which often brought the Lord Chief Justice to the Prime Minister's private room. Lord Reading was undoubtedly at this time Lloyd George's greatest confidant. The Prime Minister appreciated his practical vision and requisitioned it in the numerous conferences and consultations which brought them together. The two men, moreover, respected each other's personal qualities. To the Prime Minister, Lord Reading brought a calmness of judgment and a quiet charm which came as a relief after the snuffings of the disordered enthusiasts to whom he was exposed. It was an almost ideal combination for both work and play. Lord Reading furnished the sober judgment and Lloyd George supplied the resolution and initiative. The former, moreover, provided precisely that touch of diplomatic finesse which the Prime Minister lacked. It was not surprising therefore that the two men were constantly to be seen together, both on the golf course at Walton Heath and at 10 Downing Street.

But Mr. Lloyd George was too shrewd a student of men to leave the Lord Chief Justice the rôle of informal adviser. In the autumn of 1916 he had strongly advised the Government to send Lord Reading and Sir William Robertson to Russia in order to counteract the Germanophil influences there. The proposed mission had collapsed, since Robertson had insisted on remaining at his post. The Russian revolution, however, indirectly provided Lord Reading with one of the greatest tasks of his career, for within a few weeks the United States had joined the Allies.

The genesis of Lord Reading's financial mission to the United States lies in the early days of 1917. Wilson had actu-

ally determined to propose peace negotiations when German militarism put its head in the noose. On January 22, the President made his famous "Peace without Victory" Speech to Congress, which exhibited a certain pathetic wistfulness. But this aloofness had clearly become suicidal. "To the Allies," says Mr. Lloyd George, "the phrase (Peace without Victory) was an offence; to the Germans, a jest." Nine days later, von Bernstorff announced unrestricted submarine warfare. Germany announced her peace terms with a clank of the Junker sabre. She proposed annexation and indemnities from France, suzerainty over Belgium and hinted at unbelievably extravagant colonial demands. Even to such a pacifist connoisseur as Wilson it was apparent that Germany was offering not an olive branch but an arrogant challenge. The note which accompanied these terms also picked holes in all Wilson's beloved first principles, for Germany insisted on the necessity of destroying America's ships if found in the war zone.

Events had left Wilson no loophole. Within a few days diplomatic relations between Germany and the United States were severed. But the Junkers blew their noses derisively. America, they argued, was unprepared for War. Meanwhile, German submarines were ramming home the Allied arguments. On February 8, an American ship was sunk and eight passengers were drowned. During March four American vessels were sunk with heavy loss of life. The situation was, of course, full of emotional possibilities and the British Press Bureau worked strenuously. Hysteria began to seep through American complaisance. The Germans were providing daily fuel for the Allied propagandist machine. In January, Herr Zimmerman—the German Foreign Secretary—instructed Von Eckhardt, the German Minister in Mexico, to negotiate a treaty with Mexico in the event of War between the United States and Germany. As a reward, Mexico was to "re-conquer" New Mexico, Texas and Arizona. The President of Mexico

was, moreover, to be asked to approach Japan for support against the United States. This interesting document was intercepted by the British Naval Intelligence and published in full in the American Press on February 28.

Wilson, however, was still wrestling in the shadows. The unrestricted use of the U-boats had aroused horror and indignation in his breast but nothing could stifle the pangs of credulity which dwelt there. He now swallowed his prejudices at one gigantic gulp. "I refuse to believe," he declared, "that it is the intention of the German Authorities to do in fact what they have warned us they feel at liberty to do. I cannot bring myself to believe that they will indeed pay no regard to the ancient friendship between their people and our own. Only actual overt acts on their part can make me believe it now." These sorrowful reflections left Germany strangely unmoved. The War would be over before the new enemy could raise an army. Reports of German submarine triumphs were arriving daily and the withdrawal of the German forces from Russia would make it easy to launch a final onslaught on the Allies. On April 1, the *Aztec* was sunk and 28 Americans were drowned. The following day Wilson asked Congress for a declaration in favour of War. America at last sprang to arms. . . .

The moral effect of intervention was, of course, tremendous. Both sides were at the death grapple. Suddenly the mightiest democracy on earth marched into the conflict. A new hope swept through the Allied ranks. But great problems had still to be faced. Those behind the scenes now saw the first harvest of Wilson's benevolent pacifism. America was woefully unprepared for action and the Imperial War Cabinet decided to send a Special Mission, under Mr. Balfour, to ensure effective co-ordination between the United States and the Allies. This Mission reached America in April, and it was soon realized that preparedness lagged far behind enthusiasm for the

Allied cause. The innumerable receptions and dinners left no doubt as to American sympathies, but it was equally evident that much would have to be accomplished before the full weight of American intervention could be felt.

On his return Mr. Balfour suggested that a Permanent British Mission should be established in the United States. This suggestion was clearly reasonable and received the sanction of the Cabinet. The new Mission was to have the task of co-ordinating the work of the several British Missions already established in the United States and of maintaining friendly relations between the two Governments. The War Cabinet decided to appoint Lord Northcliffe to the leadership of the new Mission, and in June the great Press Lord left for the United States.

Northcliffe's appointment did not command universal support. The Embassies were particularly disdainful of the man who had fought so many Press campaigns and maintained a million readers at a given temperature. But much of the scornful criticism was due to the distrust of the amateur diplomat. Northcliffe, however, soon won over his critics with his energy and good humour. But if Northcliffe's zeal and willingness to serve his country were unquestionable he was soon convinced of the enormousness of his task. The financial and supply problems of the War involved psychological factors with which the British Mission could not easily deal. Britain needed immediate financial assistance, on a scale which staggered the United States Treasury. Between April and July, the Treasury advanced over a billion dollars to Great Britain and her Allies, but the demands seemed insatiable. Britain's purchases of War supplies had been paid for partly by British exports and partly by gold. But the war was costing us 50 million dollars a day and the problem of mobilizing credit had become acute. The Allies were desperately anxious to secure a guarantee of

regular monthly credits, but the difficulties were formidable. Chief of the obstacles was the atmosphere of distrust which enveloped the whole question of Anglo-American finance. America was both ignorant and suspicious of war expenditure. Nor was this distrust entirely without foundation. The United States Treasury—unaccustomed to the heavy demands of modern warfare—were startled by the large bills for war materials. Moreover, the enormous loans demanded by Great Britain seemed preposterous to citizens who had become prosperous under Wilsonian neutrality. Far more serious, however, was the confusion in the demands of the Allies.

It was this competition and scramble for priority which clearly exposed the weakness of the British Mission. The confusing situation required delicate handling and more than a little tact. Northcliffe was doing good work but he was regarded by the Americans not as a statesman but as a Press Lord. There was, perhaps, more than a little justification for this standpoint. Northcliffe possessed enormous energy and initiative but he also had what Mr. Lloyd George has described as "a telephone mentality." Northcliffe's impatience was not, however, the chief difficulty, which lay in the constitution of the British Mission. Within a few weeks it was clear that the financial representatives could not cope with the political factors of the situation which lay outside their field. Northcliffe, on the other hand, was honest enough to admit that he could not supervise financial affairs. There was a great need, therefore, for some directing mind, for a man of political and financial experience who could lead a miscellaneous staff and allay the suspicions of the Washington Administration. Such a man had to be politician, financier, but above all, a brilliant diplomat.

In the summer of 1917 it became evident that without such a leader the entire financial fabric of the Allies was in peril. Northcliffe's anxiety was shared by McAdoo,

the Secretary of the United States Treasury, who stressed the need of a financier with broad political powers. With this support, Northcliffe cabled to Mr. Lloyd George explaining the situation and suggesting that Mr. Bonar Law or Lord Reading should be sent out immediately. Mr. Bonar Law was, however, unable to leave the Cabinet and it was unanimously decided to send the Lord Chief Justice. It was, perhaps, fortunate that Mr. Bonar Law was not available, for his pessimistic outlook might not have improved relations between the Mission and the United States Treasury. Mr. Bonar Law, was, moreover, notoriously reluctant to take responsibility in a crisis.

There were few misgivings on either side of the Atlantic when the Cabinet decided in favour of the Lord Chief Justice. It had already been broadly hinted that Lord Reading would be *persona gratissima* in Washington, and none in the Cabinet doubted that he would again charm the Americans. But few in this country appreciated the magnitude of his task. The newspapers were filled with lists of casualties and the prevailing platitudes, and the news of Lord Reading's departure was elbowed into a tiny paragraph.

Lord Reading arrived in New York in September, 1917, accompanied by Colonel Swinton and Mr. J. M. Keynes. He at once perceived that Northcliffe had not exaggerated the gravity of the situation. It was vitally necessary to co-ordinate Allied demands and to secure the essential credits. The overlapping and congestion of services had to be avoided at all costs. But Lord Reading had both a financial and a political outlook and recognized the difficulties of the American Government. Suspicion had clearly to be broken down before the full weight and power of America could be felt.

Lord Reading approached his task with many advantages. He had none of the weary wisdom of the professional diplomat and possessed no stock of fixed ideas.

His Jewish cosmopolitanism gave him a real understanding of foreigners which was denied to the ordinary stiff-backed diplomat. His intellectual powers were, moreover, peculiarly adapted to the rôle of mediator. His mature intellect and practical sagacity helped him to assimilate intricate details with ease, while his legal training had taught him to avoid overstating his case. His personal charm could not, moreover, fail to impress the Americans. Lord Reading always believed in personal contacts and invariably contrived to adapt himself to his environment. He recognized America's resentment of affectation and superciliousness and addressed her with the crisp clear-cut logic of the business man. But if Lord Reading knew how to woo, he never made seductive faces at the gallery. Calm and inevitably courteous, he never lost sight of the dignity and seriousness of his mission. On his arrival he had addressed the American nation through the Press. "Great as is the material assistance which you are contributing to the cause," he reminded the country, "it is not of greater value than your moral stimulus to those who for three long years have been engaged in a continuous conflict, and who have made a daily and hourly sacrifice of blood and treasure surpassing the wildest notions of pre-war prophets. Whatever these sacrifices, we have never faltered, and depend upon it we shall not falter. Encouraged by your genius, your unquenchable spirit, we shall win this war for democracy, and dig the grave of military tyranny."

Lord Reading had only been in the United States a few days when he succeeded in putting his finger on the vital issues. The United States Treasury desired the establishment of an inter-Allied Finance Council which would prove that all the funds advanced were for essential expenditures. The suggestion appeared to be sensible and sound and Lord Reading did not make difficulties. The great fairness which had always impressed British

juries now enabled him to see the difficulties of the United States Treasury. Throughout his career, Lord Reading believed that no bargain is really a good one unless it pleases both sides. He now made every effort to assist the Government in their efforts to cope with the heavy demands on their purse. Rufus Isaacs inspired confidence by welcoming it and challenged suspicion with a frankness and sympathy which could not be withstood.

The Special Envoy made rapid headway. He had made an excellent impression on McAdoo and his colleagues who showed every intention of co-operating with him. Northcliffe and Sir William Wiseman found him soothing and helpful and were delighted with his rapid success. "Tireless work being done by Reading under heavy difficulties," cabled Northcliffe enthusiastically. It was no exaggeration. There was a persistent vigour about Lord Reading which enabled him to correlate varied problems of great complexity. Thus while he tided over the financial situation, Lord Reading was steadily winning diplomatic victories. America had long insisted that she would only lend money which was to be spent in the States. Lord Reading, however, secured a loan of \$50,000,000 for the purchase of Canadian wheat.

But although the Special Envoy succeeded in securing the essential credits he was fully alive to the difficulties of America. The United States Administration was harassed by demands for men and money, and badgered by angry politicians and journalists. The Treasury was now disbursing \$1,000,000,000 monthly in the face of America's increasing demands for supplies. Lord Reading had flung a wide net in the course of a few weeks. He had been to the White House and to the offices of business men and foresaw that the question of supplies was more important than that of credit. "Goods will not in fact be forthcoming on a sufficient scale to absorb the vast

credits to which the Departments and the Allies are becoming entitled," he cabled in October. It was this calm detachment and sympathetic understanding which won over all sections of American opinion. Most gratifying of all, perhaps, was the friendliness of Colonel House, Wilson's *alter ego*, whose admiration was tempered by a shrewd knowledge of affairs. "There is no one so well equipped for the work in hand," wrote House. "A great jurist, he possesses a knowledge of finance which is at the moment essential if order is to be brought out of the present chaos. He has a fine diplomatic touch which will ensure against unnecessary friction. The jangled nerves of many high-strung individuals will be soothed by this imperturbable negotiator."

Events proved the soundness of this prophecy. Lord Reading had eased the financial situation and disinfected the atmosphere at Washington. American troops were moving into France and the first preparations for effective joint action were under weigh. But Lord Reading had been noted during his career at the Bar for his brilliance in foresight. He had always thought ahead of his data, and now felt impelled to warn London of the difficulties of Washington. His Memorandum on Supplies is worthy of quotation if only for its solemn warning and the simple language in which it is expressed: "The growing lack of co-ordination between the programme of the Administration here and the programme of the Allies is probably, on every ground, the biggest question in front of us. But I have some reason to believe that the matter is engaging the attention of the Administration and I shall take any further opportunity of emphasizing to the President the risks, lest hastily considered orders by United States War Departments spoil our efficiency before they themselves are ready. I invite the particular attention of the Minister of Munitions to the danger of his preparations becoming ill-balanced in so far as he depends on American supplies,

and urge him to lay his plans so far as possible without too great reliance on the resources of the United States."

Nor did Lord Reading confine his influence to financial questions. Having performed his primary duties, the Special Envoy interviewed the Canadian Premier, Sir Robert Borden, in New York and accompanied him to Ottawa and Toronto. In Canada he took every opportunity to use the platform and made several speeches calling for greater unity in action. But most important of all his activities, outside the financial negotiations, was his effort to initiate a United States War Mission to Europe. Lord Reading had appreciated the dangers of financial disharmony and was determined to do his utmost to ensure a smooth co-ordination of inter-Allied military activities. It appeared to be vitally necessary to bridge the distance between Washington and the seat of war and, with this object in view, Lord Reading suggested that the United States should send a War Mission to Europe to study the main Allied problems at close range. Lloyd George heartily agreed with this suggestion and Lord Reading discussed it in detail with Wilson and Colonel House. The latter completely won over the President, and Rufus had the satisfaction of witnessing the departure of the American War Mission before he left for home.

He arrived in London on November 13, 1917, and within a few days he was back in the King's Bench Division. But beyond a brief announcement that the Lord Chief Justice would resume his sittings there was nothing to indicate that he had triumphantly completed a delicate and highly important diplomatic task. Within a day or two of their return, however, it was announced that the King had conferred an Earldom upon Lord Reading and a Viscountcy upon Lord Northcliffe.

Lord Reading had not been on the Bench six weeks before he was again hurrying towards America. Early

in the New Year, Sir Cecil Spring-Rice, the British Ambassador in Washington, returned on the ground of ill-health. The strain of the first years of the War had been tremendous and within a few weeks of his retirement, Sir Cecil was dead. The success of Lord Reading's earlier visits to the United States now made him the obvious choice for the difficult post. He was assured of a cordial and respectful welcome and had already proved his diplomatic skill. It was recognized on both sides of the Atlantic, however, that Lord Reading would need now all his skill and discretion to accomplish the task which lay before him. The beginning of 1918 saw the most critical stage of the War. The Allied land campaign was not proving a success and the fighting was going in favour of the Central Powers. The collapse of Russia had seriously exposed the weakness of the Allied position. Germany was concentrating on the Western Front, confident of separating the Allied forces. Most serious of all, however, was the widespread distrust of inter-Allied strategy with its depressing effect on the morale of the troops. Meanwhile, France and Italy were clamouring for food supplies.

The intervention of the United States, had, of course, sent a thrill of hope through the Allied forces. America was entering the war of exhaustion in a fresh condition and with enormous resources of money, men and material. But there were great difficulties in the way of prompt co-operation. Lord Reading had left the financial arrangements between America and the Allies in smooth working order, but his sad prophecy concerning supplies was being tragically fulfilled. While the food situation in France, Italy and Great Britain was causing serious anxiety, America was finding it increasingly difficult to show an exportable surplus. Transport difficulties were, moreover, proving a great trial to the Administration. The excessive cold was making it almost impossible to convey

foodstuffs by rail from the interior to the coast for shipment abroad. The acute shortage of shipping was, moreover, a cause of anxiety from the military point of view. America was palpably unprepared for a prompt and vigorous prosecution of the war. By the end of 1917, the vanguard of the American Expeditionary Force had appeared in France. It numbered 10,000 officers and 165,000 men and depended for its heavy equipment upon France and Britain. It is interesting to note that as late as February, 1918, Pershing informed his Government that "as a matter of fact, there is not to-day a single American-made 'plane in Europe."

Lord Reading began his term of office at the beginning of this anxious period of preparation. The British Government had no illusions regarding the difficulties and responsibilities of the mission. Lord Reading was given full power over the members of all the British Missions in the United States with unlimited authority to act on his own judgment. The peculiar circumstances attending the appointment received recognition in the title with which Lord Reading was invested—"His Majesty's High Commissioner in the United States of America in the character of Ambassador Extraordinary and Plenipotentiary on Special Mission."

The appointment of the Lord Chief Justice as Ambassador Extraordinary was certainly without modern precedent. "It recalls a proud period," observed *The Times*, "when English judges were, as he is, versed in statecraft, and it gives evidence of a desire on the part of the Government to make use of indisputable financial and diplomatic ability." The legal profession was equally impressed with the significance of the appointment and expressed its approval through the Solicitor-General, Sir Gordon Hewart (now Lord Chief Justice). The setting was indeed worthy of the occasion. All the Judges and many members of the Bar assembled in the Lord Chief

Justice's Court on January 11, 1918. Sir Samuel Evans sat on the right of Lord Reading while Mr. Justice Lawrence and Mr. Justice Neville sat on his left. The other Judges stood on each side of the Bench. The Court was crowded with members of the Bar and of the public, and Lady Reading had only just succeeded in finding a seat in the jury box. There was a great hush in Court as the Solicitor-General rose to his feet. All were conscious of the tremendous implications of the Lord Chief Justice's mission. Sir Gordon Hewart's gracious speech expressed the heartfelt wishes of the whole country. "May success attend and crown your labours," said Sir Gordon, "and may the unity of effort achieved by these labours bear, before long, as its fruit, the peace which is victory and the victory which is lasting peace." Lord Reading's reply was expressed with characteristic felicity and smoothness, but none could ignore its note of resolution. "When I was invited to undertake this great task," said the Lord Chief Justice, "I need not tell the members of my profession that I gave the most anxious thought to the question whether it was fitting that I should discharge these duties while holding my present office. You have said that there is no precedent. To me that is not the answer, as, indeed, it is not for you, Mr. Solicitor, speaking for the Bar. There is no precedent for the present time. Precedents must therefore be made if the exigencies of the circumstances demand them. What weighed most with me was that the service asked was in the national interest, not for a section of the nation, not for a political party, not for a particular class, but for a united nation which speaks with one voice. I am going the more willingly because it is to America—a country animated by the same ideals as our own."

But Lord Reading did not face his momentous task alone. Apart from a capable staff, headed by Sir Hardman Lever and Sir Henry Babington Smith, he was cheered

and comforted by the presence of Lady Reading who, in spite of failing health, was ready to face the perils and discomfort of the Atlantic.

Lord Reading set to work immediately on his arrival in New York. He had come to a country which was being asked to make enormous sacrifices for Allies three thousand miles away. Much, he knew, would depend upon the spirit in which the American public responded. The High Commissioner was therefore determined to instruct the American people concerning the causes and aims of the War and to preserve them from the dangers of a false optimism. His statement to the American Press struck exactly the right note. It was not only a call to arms, but a timely reminder of Britain's need. "Let me impress upon you," said Lord Reading, "that when I left England the determination to carry the War to an end was as fixed as ever. The British people are willing to face the critical months before us, perhaps the most critical of the War, with grim tenacity. They are prepared to endure whatever suffering, privation or sacrifices may be necessary to obtain the only possible conclusion of the War. That the American people are equally prepared to exert every effort to bring about this result is the surest guarantee that the cause is just and the aim righteous." Three days later Lord Reading presented his letters of credence to President Wilson. During his term of office he was to be a frequent and welcome visitor to the White House, for Wilson and House were ever eager to discuss problems with the courtly and astute High Commissioner.

Lord Reading's first task was to sign the Army Draft Treaty between Great Britain and the United States which provided for reciprocal conscription in the two countries. Henceforth his labours were of the widest range. He had come to assist in the work of correlation and co-ordination and at once devoted himself to the question of food supplies.

The situation demanded the greatest tact. Hoover was doing wonders in the face of Allied requests and an increasing domestic shortage. The British High Commissioner lent his powerful administrative brain to the tremendous task of solving the situation. His relations with the Administration were excellent and he knew precisely when to advise and when to encourage. Within a few weeks of his arrival the problem of shipment was overcome through the agency of McAdoo, who gave absolute precedence over all other traffic to the transport of Allied supplies to seaboard. Equally effective was the High Commissioner's sympathetic attitude towards the shipping authorities. The demands upon American shipping were urgent, but Lord Reading could see that every possible effort was being made. Steel ship construction was proceeding feverishly and everything was being done to assist Britain in her anti-submarine measures. Lord Reading was quick to appreciate the whole-hearted spirit of co-operation which America was displaying, but he was equally conscious of the increasing demand for shipping. Throughout his stay in America, therefore, he emphasized the dangers of any slackening of energies.

Lord Reading seemed tireless. Conferences and consultations with statesmen and officials, a thousand details in the reorganization of shipping and rail transport, tentative agreements and hurried Memoranda—these were all inevitable by-products of the period of preparation. Meanwhile, Lord Reading could not ignore the main duty of an Ambassador: that of reconciling differences between his country and the State to which he is accredited. To

his speeches made an irresistible appeal to his hearers. Speaking at Chicago he thrilled an enormous audience with three ringing sentences—"Think of Belgium, conquered as to her land, but unvanquished in spirit! Think of France, ravaged and depopulated! All glory to her!" Every public speech was recognized on both sides of the Atlantic as the best kind of propaganda, virile, direct but, above all, enlightening. "Make your people realize the War," he exhorted an audience at Washington. "We who have been engaged in it from the first, we in England who have seen the War carried over her by Zeppelin and aeroplane, and by the bombardment of defenceless towns, do not fail to understand what the War is, but it is more difficult when you are far away . . . We know what War means. We have our wounded brought home. We see trains of them. We see them, I was going to say, in every street. We have our losses, our casualties. We have had them for a long time. We have all suffered, we have all to pay tribute, every one of us, in one form or other. Every one of us has had to lose somebody. We have all our own in the field of battle. All we care for is there. All our eyes and hearts are strained to the utmost watching what is happening as we read the news. To-day what is happening on the battle-field brings home to us the sure knowledge that all we care for is there at the front. I only tell you that you may understand, that you may know as well as we what it all means."

A few weeks later he made an appeal for the Red Cross Campaign which made 10,000 Americans cheer in wild applause. "It will always be remembered by the Allies," said Lord Reading, "that when their great need came your young men took their places side by side with the French and the British to shed their blood and ennoble and glorify their souls. The dollar you give may be just the dollar that saves a young man's life, perhaps the life of a relative of yours. No one has the tongue

to tell the wonderful work of the Red Cross. . . ." Equally responsive were the audiences which Lord Reading addressed in Toronto and Ottawa, for he had contrived to make a lightning visit to Canada that spring.

But the rôle of war-time Ambassador was inexhaustible and nothing but illness or death could seemingly set a limit upon the duties which the British High Commissioner was expected to perform. Fortunately, however, Lord Reading had preserved his capacity for doing without much sleep, while the healthy life which he had always led in vacations now stood him in good stead. Infinitely more wearing than the strain of supervising American preparations was the rôle of messenger between a desperate British Government and the already harassed American Administration. Chief of these difficulties was the question of man-power. Mr. Balfour and Mr. Lloyd George were imperiously demanding that 120,000 American troops should be sent monthly for four months. The British Cabinet considered that the American soldiers would not be ready to fight as an army until late in 1918. Meanwhile, the man-power of England and France was all but exhausted. Something had clearly to be done. Lloyd George proposed that the Allied forces should receive any American infantry and machine-gunners that the United States could not at once organize into complete divisions. This incorporation, he urged, would establish a cordial feeling between the two Armies and also provide the half-trained American companies with useful training. General Pershing, the American Commander-in-Chief, was, however, opposed to this suggestion and refused to help to build up the army of another nation with American regiments. He argued that the proposed amalgamation would interfere with the formation of his own army. The question was a delicate one, and led to several misunderstandings. A compromise was eventually achieved which enabled Britain to fill her ranks and America to

secure tonnage for her own army. The urgency of the problem and the distance between the disputants, inevitably placed much of the burden of negotiation upon Lord Reading. He made constant personal appeals to the President and there can be no doubt that the celerity and success of the negotiations was due to his resourcefulness. "It is probable," said General Pershing, "that Lord Reading, skilled advocate as he was, did more while Ambassador at Washington to influence the Administration to grant Allied requests than any other individual." On one occasion Rufus found himself alone with Wilson. Having that day received a cable urging him to put the desperate situation before the President, he spoke with great eloquence and force. Wilson grew more and more excited. Suddenly he stood up and exclaimed: "Mr. Ambassador, you need say no more. I will do my damndest!" The significance of such a remark from an academic statesman like Wilson need not perhaps be emphasized.

The first weeks of Lord Reading's embassy had convinced him of the value of American friendship. In April, 1918, a financial crisis amply proved America's goodwill towards the British Empire. In that month, the Indian Government was faced with a serious problem. The heavy supplies which India had been called upon to produce had forced the Government to increase the issue of paper notes. It was essential to find the metallic reserve in order that the notes should be convertible immediately to the silver rupee. Owing to the world shortage of silver, it was, however, difficult to find the required specie. India therefore turned her eyes towards America, the only likely source of silver. But the difficulties were great. The vaults of the American Treasury contained vast stores which were preserved as security for the American note issue. These reserves could not, however, be touched save by Act of Congress. Every moment was precious. The issue of notes by the Indian Government far exceeded

the reserve of silver and a sudden depreciation might have had serious political consequences. The situation called for prompt and decisive action. Fortunately for India, Lord Reading enjoyed the confidence of Washington and the valuable privilege of informal and daily admission to the White House. He now threw all his powerful influence and financial skill into the plea for India. The result of his efforts was the Pittman Act which was passed in almost a record shortness of time. The measure became law in a few days and two hundred million ounces of silver were quickly sent across the ocean. The crisis was passed and Lord Reading had performed his first great service to India.

But Lord Reading's mission was drawing to a close. American troops were arriving in France in increasingly large numbers. The United States had promised in March to send 480,000 in the four succeeding months: in fact, almost a million were sent. The centre of interest had now shifted to a war-weary Europe where the air was already filled with vague peace proposals. Lord Reading had accomplished his task with conspicuous success and his practical sagacity was needed in London where the coming peace was already under careful consideration.

Lord Reading returned to England in August, 1918, and at once resumed his judicial duties as Lord Chief Justice. But those behind the scenes were not ignorant of the nature of Lord Reading's "brief business visit." In greeting his return, *The Times* declared: "The Government are fortunate at the moment in being able to consult him at large." The Lord Chief Justice was soon in the thick of the peace discussions. President Wilson's Peace Note that autumn had sent the Cabinet into anxious council, and Lord Reading's advice was sought at every turn. In October, the Lord Chief Justice joined Lloyd George at Lord Riddell's house in Sussex and took an active part in the discussions. One afternoon an extraordinary

scene took place. President Wilson's letter had surprised the Cabinet, and the members of the house party decided to try their hand at preparing draft replies. Sir Maurice Hankey, Philip Kerr, Lord Milner, Balfour and the Lord Chief Justice sat in five separate rooms preparing the drafts which together formed the composite historic document!

Shortly after his return, Lord Reading visited the battle fronts. After a visit to the British and French headquarters he went into the American trenches and addressed Pershing in words which rang with sincerity and goodwill: "General, I am glad to be here. I made up my mind when I came to France that I would not go back to America without seeing you, so that when I got back I could tell them all about you and what you are doing. I shall tell them what you have accomplished, and I am sure they will be glad to hear from you through me. . . . We will achieve victory by our joint sacrifices, by our combined efforts and by the desire we all have to do the best that is within us. I will say to you, if I may, as a message from America, for I have come from America far more recently than any of you, and I speak from my own knowledge, that the people of America are watching you with great pride and with great satisfaction. They realize all the hardships and the many sacrifices you are undergoing for the great cause. They are ready to stand behind you. I shall take back to them a message from you, as I feel sure I rightly interpret your feelings. I shall tell them to be of good cheer, that America is here, that the Star-spangled Banner is waving, and that you are taking a noble part in this great struggle, and will continue to do so till the end, till victory is ours. Good luck to you and God bless you all."

And it was with the cheers of the American troops still in his ears that Lord Reading again sailed for the United States. The clouds of war had disappeared and he was returning to wind up the High Commissionership. On

his departure the American newspapers paid high tribute to the tact and skill with which he had accomplished a vital and difficult mission. But Lord Reading was not only claimed as a triumphant representative of American diplomacy. In all the chorus of approval one note was dominant. It was emphatically recognized that Lord Reading's personality had prepared the ground for an enduring and steadfast friendship between England and America. And it was in the proud consciousness of this accord that "the greatest Jew in the world," as America acclaimed him, returned to England. On his arrival in London, the chorus of praise was renewed. Political prejudices were for the moment jettisoned in welcoming the man whom *The Times* described as "one of the most successful Ambassadors whom England has ever sent abroad."

Everything pointed to a resumption of the judicial functions which Lord Reading had been forced to neglect. He had given unstinted service to his country and had helped to guide the destinies of nations. He was nearing sixty years of age and had tasted high adventure in the Law and diplomacy. The way seemed open to the calm and dignified rôle of Lord Chief Justice. But the exultant trustfulness which had lured him from his father's office stool was still within him. The old restlessness again revolted against the assured and humdrum. The Bench had oppressed him after the glorious rough and tumble of the Bar. After the virile atmosphere of the United States, with all its associations of desperate struggle and endeavour, the King's Bench Division could not but come as an anti-climax. The War had released the man of action from the Bench. Peace seemed to offer nothing but graceful semi-retirement. Within a few months of Lord Reading's return to the Bench, a heavy sense of apathy pressed upon him. And destiny again beckoned him to India.

CHAPTER X

DELHI

THE successful conclusion of the American mission did not merge as easily into the Viceroyship as a bird's-eye view would suggest. The Armistice ushered in a period of adjustment and reorganization. Devastated France and Belgium clamoured for retribution and "le boche paiera" echoed through *estaminets* and legislative chambers. Wilson's ringing words "Peace without Victory" lost their appeal in the hour of triumph and the negotiations revealed an appalling spectacle of national greed and inflamed cynicism. The President who had been welcomed in Europe as the Messiah of a New Age was ridiculed and his programme evoked a chorus of hate. The victorious Allies were determined to extract a blank cheque from their foes.

The terrible national rivalries and the ruinous expenditure on armaments which followed the so-called peace settlement are now history. Lord Reading took little part in the actual peace negotiations, but there can be no doubt as to his views on future policy. He could see the good points in Wilson's dream of a World State, without losing his sense of proportion. This spirit of practical idealism was apparent in more than one speech which Lord Reading made at this time. Speaking on the future of the League of Nations, in November, 1919, he warned the country against airy fancies. "We have won the War, but the effort was costly," said Lord Reading. "We must husband our resources; armaments must be reduced. To make the reduction effective there must be agreement

between nations and observance of the conditions. By lessening the risks we may reduce armaments to limits commensurate with the probabilities of war. In other words, our insurance against war will cost less. Of course, no responsible Government would reduce beyond the limits of security. There can be no gamble with the safety of this nation. But the more powerful the League of Nations becomes, the better the prospect of diverting expenditure to profitable and beneficial channels."

A few weeks later Lord Reading found himself in the historic debating hall of the Oxford Union Society. Since his return from the United States he had taken every opportunity to stress the need of closer amity between England and America. He had seen America's neutrality transformed into wholehearted co-operation and sacrifice. That spirit of sympathy was now tainted with suspicion. The bitter-enders in the Senate indicted the League as a European Alliance and a super-State which would rob America of her right to determine her own domestic affairs. The forces of misrepresentation and hide-bound prejudice drove clouds of objections over the issue. Non-entry into the Society of Nations became a catch-vote issue for American politicians who exploited the bogey that American youth would be dragged off to the battle-fields of Europe in defence of the virgin League. It had become increasingly evident that the Senate would turn its back upon Wilson, and the cynics made capital of the situation. To Lord Reading, who had done more than any other Englishman to strengthen the friendship between the two countries, the prospect of America's non-co-operation was painful indeed. He was, however, too far-sighted to ignore the value of what had already been achieved, and vigorously attacked those who sought to endanger Anglo-American harmony. It was, therefore, peculiarly fitting that he should have been the principal guest at the opening meeting of the British-American Club at Oxford. His reception

by the undergraduates was striking evidence of the position which he occupied in the hearts of the younger generation. He was greeted with rounds of such heavy cheering that the meeting could not be commenced for a quarter of an hour. "It is devoutly to be wished that America may bear her part in the World's Court," he said quietly. "But whatever the outcome of the present situation, America will still be the nation with the high ideals that animated her during the War, when she was ready to make all sacrifice for the preservation of liberty."

The office of Lord Chief Justice had robbed the Law of its spice, and the intervention of war duties had come as a grim, but almost welcome relief. But the War was over and the daily drudgery irked the Lord Chief Justice more deeply than ever. Such a mind as Lord Reading's was stimulated and refreshed by new scenes and new tasks. Soon his friends began to notice the change in him. Rufus had lost his springiness and vitality. There was a weariness in his face which told not of exhaustion but of soul-deadening inactivity. Not that he had become a bitter recluse. He had always enjoyed good company and now turned to his cronies with additional eagerness. His friendship with the Prime Minister had increased with the years, and the two men argued and played golf together a good deal. Lord Reading had, from the first, deeply regretted the breach between Asquith and Lloyd George, and he had remained good friends with both men. Dinner and bridge with Asquith, lunch with L.I.G. or Sir Abe Bailey, golf with Sir Philip Sassoon or Riddell or Grey at Walton Heath—the Lord Chief Justice tried to fill in his leisure with good fellowship. But the old spontaneity and cheeriness had gone. The Bar and the War missions had given him scope for the type of work which he most enjoyed—delicate diplomacy with a financial flavour. And it was to diplomacy that the Lord Chief Justice's eyes again turned.

Early in 1920, it was being rumoured that Lord Reading would succeed Lord Derby as Ambassador in Paris. A few weeks later it was hinted that the Lord Chief Justice would return to Washington as British Ambassador. That summer, however, the whisperings assumed a more tangible form. Lord Chelmsford's term as Viceroy of India was due to expire early in the New Year, and the Lord Chief Justice's name was finding favour as a likely successor. His claims seemed irresistible. He had proved his special gifts as an administrator and negotiator, and possessed a deep sense of justice and all the qualities of social intercourse. Lord Reading would not be the usual type of Viceroy, but his qualities were highly suitable to the prevailing conditions. India was in a state of transition which was full of danger for the British Raj. The new Viceroy would be faced with many tasks but especially that of reconciliation. Lord Reading possessed the calm judicial habit of mind which the situation demanded. He would be expected to approach India with a warm sympathy for her people, blended with firmness in the preservation of law and order.

Lord Reading's name commanded the general approval of the country. There were, of course, the inevitable malcontents. A few club arm-chairs creaked protestingly when it was announced that he had been offered the Viceroyship. Some of the denizens of Pall Mall shook their heads and declared that the appointment of a Jew would outrage Moslem opinion in India. Far more serious, however, was Lord Reading's personal attitude towards the invitation. Acceptance would mean forsaking a calm and dignified office for a post fraught with danger and responsibility. He was sixty years old and had driven himself relentlessly since his early days at the Bar. India was a land of contradictions, about which he knew little. He was, however, aware that the recent meddling with the rupee had brought the country near to bankruptcy, and

that a great constitutional experiment had been set in motion. The situation, bristling as it was with difficulties and hints of danger, made powerful appeal to him. But one consideration made him hesitate. Lady Reading had never been robust and the possible effect of the climate upon her health was a question of the deepest import to the Lord Chief Justice. While the country waited anxiously for Lord Reading's decision, his wife's medical advisers allayed his fears.

On January 6, 1921, it was announced that Lord Reading would be the new Viceroy. His first task was to acquaint himself with the important "brief" with which he had been entrusted. He commandeered a room at the India Office and began to study all the minutiae of administrative routine. Schedules, reports, précis of speeches, poured into that room. The Viceroy Designate set to work with enormous relish. It was as if he were back in Chambers preparing some intricate case. The old spirit which had prompted him to pore over *Ruff's Guide* in his first big case was still within him. Rufus was again in his Chambers, determined to be in the case from the moment the Judge took his place. Just as he had always refused to rely entirely upon legal knowledge, he now familiarized himself with the unofficial aspects of the case by encouraging business men, Indian and British, to express their views before him.

The appointment to this post of splendour and authority brought new life to Lord Reading. Destiny had simultaneously freed him from drudgery and given him the opportunity of serving his country in an emergency. His friends were delighted at the change in him. He had lived a life rich in adventure. The dazzling East now awaited him with the greatest adventure of all. His boyish enthusiasm for the task made a great impression upon all who came into contact with him. "Now he is like a schoolboy let out for a holiday," commented Lord Riddell one evening.

Two days after the announcement, Rufus found himself at Chequers, which Lord Lee had just presented to the nation. The occasion was the official house-warming dinner, and everyone was gay and expansive. The guests began to reminisce with their coffee. Lloyd George told of how he had been a penniless solicitor's clerk. Lord Milner said he had been born with a copper spoon in his mouth, while the Viceroy Designate was thrilled and excited at returning to a country which he had last visited as a cabin boy. During the evening someone buttonholed him and asked him if he would keep up his law in India. "I will never look at a law report again if I can help it," he replied firmly.

Meanwhile, India eagerly awaited the new Viceroy. The news of the appointment had been welcomed by all castes and creeds. It was widely recognized that Lord Reading's large Parliamentary and financial experience would be at India's service. It was also felt that his Jewish race would give him the detachment and tolerance which the situation so urgently demanded. Lord Reading had, moreover, precisely that constructive ability which his predecessor lacked, while his good-naturedness and courtesy were almost proverbial.

The sympathetic welcome which awaited the new Viceroy was reinforced by the effect which his leave-taking speeches had made on Indian opinion. Lord Reading would clearly not come to India with the preconceived notions of a heavy-handed Jingoist class. His public utterances were imbued with an old and fine Liberalism which impressed his audiences with its simplicity and breadth of vision. Typical of many of his speeches was his reply to the congratulations of the Bar. "To be the representative of the King-Emperor in India is to be the representative of Justice," he told a hushed and crowded Court. "I leave this seat, the Judicial Bench, not forsaking or abandoning the pursuit of justice but rather pursuing

it in larger fields, and where I fear the road is not so certain or so well laid. In the political sphere it has often struck me that there is this vast difference between the administration of justice in a Court of Law and the direction of public affairs, even though the directing mind is actuated in both instances by a single purpose and a desire to do justice. In Courts of Law we are limited by the known factors of the case. . . . In the great field of government and of politics, to my mind—and it is the result of some experience—the only certainty that you have is that you do not know all the factors, and that you can never know, during the time in which your decision has to be given, with certainty, the facts as you might ascertain them if you had years during which to conduct an investigation.

“Let me pass from that with one last observation that I trust those in India, who may be reading of my appointment, who are now at the outset of great progressive reforms introduced into their country by the King’s Government, may recognize that in selecting the representative of Justice from this country to take the supreme place as the King’s representative in India, it is the desire of His Majesty and of His Majesty’s servants to make manifest in India that justice will remain the supreme guiding factor in the destinies of India, so long as it is possible for human beings to hold the scales even. . . .

“Mr. Attorney, it is never good in life to look back save for the purpose of learning a lesson for the future. It is good to look ahead—I do—with hope, with trust in the future, believing that going to India, as I do, with the sole desire to do right, if I may not make a great name I cannot make a failure; for no one going there, animated by a desire to do right, devoted to his duty, anxious to prove to the best of his ability that his country’s selection was justified, can at least fail to impress all those qualities upon him. . . .”

Congratulations do not win campaigns, and after the junketings and laudatory speeches, Lord Reading was face to face with the hardest task of his career. He had come to India with some appreciation of his difficulties. The events which had occurred during the preceding two years had left an imprint on Indo-British relations which could not be ignored.

What were the events which had bred critical and discordant groups throughout India? On the outbreak of the World War, Indian political leaders suspended their disputes with the Government and the country responded magnificently to the call to arms. The British garrison had been reduced and at one period numbered only 15,000 British soldiers. More significant, however, was the Indianization of the higher ranks of the Civil services. With the Armistice disillusionment crept steadily over the face of India. The old machinery had been brought back and the War was treated as a mere interlude. Speculation and profiteering engaged the attention of the commercial community and the officials who had returned from the War made every effort to revive the old Anglo-Indian life. But from the Indian standpoint the War had bred new ambitions and swirling hopes.

The stage was set for a bitter struggle when the Jewish Secretary of State, Mr. E. S. Montagu, took a hand. A loyal and sincere friend of India, Montagu believed that India should have a Dominion Constitution. "If you do not trust a man," he once said, "he will not behave as if he ought to be trusted." In 1918, he and Lord Chelmsford drew up a report which proposed that India should be given responsible government by progressive stages. This Report ultimately formed the basis of the India Act of 1919, and India thus took her first step towards complete self-government.

But diarchy languished in the cradle. Educated India cried out against the half-way measures which had

been squeezed out under protest. The political discontent was closely linked to great economic unrest. War-time profiteering had pressed heavily on the Punjab and racial bitterness aggravated an already difficult situation. In the spring of 1919, rioting broke out in various cities and Mr. Gandhi moved busily among the mill hands of Ahmadabad and Amritsar. Meanwhile, the Government was tempted to use the heavy hand on India. A year or two earlier a Committee, under Mr. Justice Rowlatt, had been appointed to inquire into the question of criminal conspiracies. That Committee made recommendations which were subsequently embodied in two Bills. India was to be treated as a sulky child and locked up without trial at the slightest sign of disobedience. Political cases were to be heard without juries and the Provincial Governments were given wide powers of internment.

The Rowlatt Bills were naturally regarded by Indians as a frontal attack on the liberty of the subject. The Indian members in the Legislative Council voted solidly against them and the Bills were only rammed through with the aid of the Government's official majority. The Government had in fact taken the very step which the far-sighted Montagu most feared. "Our whole policy is to make India a political country," the Secretary of State had declared, "and it is absolutely impossible to associate that with repression."

The effect of the proposed repressive powers can well be imagined. The Rowlatt Report appeared shortly after the appearance of the Montagu-Chelmsford Report, and left educated Indians to their painful conclusions. It is no exaggeration to say that the Rowlatt Act gave birth to the non-co-operation Movement. Mr. Gandhi decreed a day of fasting when the Bills became law and the era of "hartals" had begun. Meanwhile, angry mobs were massing in the Punjab. The growing tension with Afghanistan had created an atmosphere of distrust and

panic, and martial law was declared in the Punjab on April 15, 1919.

The sad tale now gathers momentum. Two nationalist leaders were arrested at Amritsar on April 10, and deported. Rioting flared up desperately. Banks were attacked and European agents were murdered in cold blood. European railway guards and missionaries were also attacked and left for dead. The Governor, Sir Michael O'Dwyer, now decided to teach India a lesson. Order was restored by General Dyer in a fashion which brought blood to Indian eyes for the next decade. Hearing that a prohibited meeting was being held at Jallianwalla Bagh, a large enclosed space in Amritsar, the gallant General marched a detachment to the entrance and opened a merciless fusillade upon the stampeding and unarmed crowd. The troops were not molested and they fired 1,605 rounds into the crowd before withdrawing. Three hundred and seventy-nine people were slain and 1,200 were left wounded on the ground.

This was evidently not considered a sufficiently savage object lesson, for a series of humiliating decrees were then issued. All Indians in Gujranwala were to "salaam" any non-commissioned officer. Natives passing through the street where an Englishwoman had been attacked were ordered to crawl on all fours. Promiscuous floggings and whippings, indiscriminate arrests and confiscations were the Government's reply to Indian protests. This, then, was the atmosphere into which the Montagu-Chelmsford reforms were ushered.

Not content with this inglorious affray, the English diehards played further into the hands of the Indian extremists. It was not until October that a Committee was appointed to investigate Dyer's action at Amritsar. The investigation and its reception in England provided the best possible propaganda for the agitators. Had not General Dyer himself blurted out the views of the military

authorities in India? He had justified his onslaught as necessary under the prevailing conditions—"I fired and continued to fire until the crowd dispersed, and I consider this is the least amount of firing which would produce the necessary moral and widespread effect it was my duty to produce if I was to justify my action. If more troops had been at hand the casualties would have been greater in proportion. It was no longer a question of merely dispersing the crowd, but one of producing a sufficient moral effect from a military point of view not only on those who were present, but more especially throughout the Punjab." Although General Dyer's action was condemned by the Committee, his attitude was approved by a considerable group in the House of Commons, a heavy majority of the Lords and by a large section of the Press.

The shadow of Amritsar broadened over India. Henceforth political India was dominated by memories of martial law of the Punjab. Meanwhile, the situation had grown tenser as a result of the Government's short-sighted policy towards the Sultan of Turkey. Mohammedan troops had fought against the Turks, but the war had not been easily reconciled with Moslem sentiment. The Sultan of Turkey was also the Caliph of all the Faithful and the whole situation taxed the patience of even the most loyal Indian Moslems. Their apprehensions developed rapidly after the Armistice. They saw Infidel armies in Constantinople and the Sultan reduced to the status of a puppet. The Treaty of Sèvres proposed to dismember Turkey and to glorify Greece. To the loyal Indian Moslems the stripping of the Sultan appeared as an unforgivable breach of faith. In 1914 they had been given assurances regarding their Caliph which had been gaily jettisoned in the hour of victory. The Greeks were finding favour with Mr. Lloyd George, who had more than once expressed his approval of the expulsion of Turkey from Europe "bag and baggage." The loyalty and devotion of Indian Mohammedans was

forgotten, a situation which had lasting repercussions for the British Raj.

While the British Government was enthusiastically blessing the Greek guns, agitators were moving swiftly over India. Islam had been flouted and England had broken faith with her Allies. A wave of resentment swept through the country and carried with it a new recruit in Mr. Gandhi. The latter had been converted from a mystical social reformer to an agitator of genius. His lowly caste brought him the support of the shop-keepers, while his experiences in England and South Africa had taught him how to appeal to the wealthy commercial element in the nationalist movement. The Rowlatt Bills had first made him doubt his position as a Moderate. The harsh treatment of the Sultan now threw him into the welcoming arms of the Khalifat agitators. To Gandhi, the sincere Hindu ascetic, the dishonest British policy towards Turkey offered the opportunity of protecting his countrymen from an attack upon their religion. To Gandhi, the politician and patriot, the situation presented a means of co-operation with the Mohammedans against British domination. He therefore threw himself fervently into the Khalifat cause and began to adapt his philosophy to political needs. Two Hindu religious ideas, "satyagraha" (the vow to hold to the truth) and "ahimsa" (harmlessness) were jumbled together to form a policy of passive resistance to the British Raj which had, according to Gandhi, violated its solemn pledges to seventy million Indian Moslems. Another Hindu conception, the *hartal* (or day of fasting), was also brought in to give a commercial flavour to the policy.

Gandhi's support was greatly appreciated by the Moslem leaders. His sincerity was undeniable while his knowledge of industrial questions made him a power in Council. His gospel of non-co-operation contained more-over an element of asceticism which had a special attraction

for both Hindus and Mohammedans. In the autumn of 1920 he was ready to invite India to sit with him in sack-cloth and ashes. He had had long conversations with the Moslem leaders who assured him that Swaraj must be added to the two outstanding items on their programme of revolt—the Khalifat and the Punjab grievances. Gandhi was not, however, prepared to launch his Satyagraha until he was assured that the Moslems would adopt a “non-violent” form of non-co-operation. With this assurance fresh in his mind, Gandhi approached the Congress at Calcutta in September, 1920. His speech made powerful appeal to that gathering. “Congress,” he cried, “must enforce a clear repentance before accepting a single gift, however rich, from those bloodstained hands.” Then came the appeal for which the politicians had so strenuously laboured. “The issue,” declared Gandhi, “is whether Swarajya has to be gained through the new Councils or without the Councils. Knowing the British Government to be utterly unreliable, how can we believe that the new Council will lead to Swarajya?” The answering cheer was caught by millions of throats throughout India. Gandhi therefore promised “Swaraj” by the end of 1921, if India followed him in his policy of “progressive non-violent non-co-operation.”

The adoption of Gandhi's policy marked a turning-point in Indo-British relations. While the Montagu-Chelmsford Reforms were preparing for the suffrage of a handful, Gandhi was appealing to the Indian people *en masse*. By a strange irony Gandhi was inspiring the whole country with the dream of full-blooded Swaraj just at the time when the system of diarchy was being cautiously unveiled to about 3 per cent. of the population.

Meanwhile Gandhi followed up his success in Congress with a personal tour of the country. The Gospel of Homespun, as preached by the magnetic Mahatma, became more than a Tolstoyan gesture. To the Indian masses it

was a message of hope, a promise that within a year a hated bureaucracy would be lifted from their backs. The people listened with a simple quiet faith as Gandhi urged them to re-establish the sacred handlooms in their households. The ancient Indian spinning-wheel, the "charkha," became the symbol of inarticulate India. But there was a practical side to the Mahatma's Khadi Economics. With the universal weaving of homespun cloth, India could dispense with the importation of foreign cloth. Years before, Gandhi had written fiercely in favour of medieval squatting—"Our gods even are made in Germany—what need to speak of matches, pins and glassware? What did India do before these articles were introduced? Precisely the same should be done to-day." All honours were to be returned to the Government. Litigants were to shun the Law Courts and resort to private arbitration. All colleges and schools which received a Government subsidy were to be boycotted, an exhortation which ultimately ruined the careers of thousands of youngsters. As the people listened to the powerful appeal it seemed that the promised day of universal righteousness and of justice had already dawned. What Gandhi did not remember, however, was that daggers might easily be concealed in the sacrificial white robes with which he hoped to clothe India.

From Calcutta to Nagpur. Twenty thousand delegates had assembled in Nagpur in December, 1920, to confirm the previous resolution in favour of non-co-operation. This time there were no dissentients. A new Constitution was drawn up with Swaraj and the Khalifat cause well to the fore. Gandhi reinforced his viewpoint with the usual spiritual reflection—"If the British connection is for the advancement of India, we do not want to destroy it: but if it is inconsistent with our national self-respect then it is our bounden duty to destroy it." Henceforth Congress became a disciplined and independent organization, and

the collection of a crore of rupees was immediately set afoot.

Meanwhile, economic conditions instilled nationalist sentiments into classes which had previously been immune from all political influences. The influenza epidemic of 1918 had swept through India leaving millions of dead in its trail. The resultant feeling of depression had been intensified by the poor harvests of the first post-war years. Soldiers returned with grievances and formed critical elements in the villages. Moreover, while the factories were making huge profits, wages were kept down and prices remained at a high level. India had ended the War with her full quota of inflated currency troubles. As elsewhere, these financial difficulties of the Executive were to have important constitutional results. Meanwhile, Indo-British civilization did not appear at its best. To the toiling masses, ground down by heavy taxation and harassed by officials, the moment seemed ripe for a revolt against Western domination and Western industrialism. It is not surprising that in these circumstances the spectacle of Mahatma Gandhi squatting beside his spinning-wheel proved irresistible.

It was into this atmosphere of tortured idealism and unrest that the new Viceroy was ceremoniously ushered. Lord Reading landed at Bombay on April 2, 1921, and at once threw himself heart and soul into a study of the situation. He had always combined the gift of simplifying the most intricate issues with a phenomenal flair for the relevant. Within a few days of his arrival in India he perceived that his task was primarily one of reconciliation. Anglo-India affected to regard Gandhi's movement with amused contempt, but the new Viceroy was not slow to appreciate the dangers of that attitude. The reasonableness of the Moslem sentiment concerning Turkey was apparent. Defiance lurked in every village in India. Swaraj had been tacked on to the Khalifat question through the

intervention of Mr. Gandhi. The whole question of the British Government's benevolence towards Greece now assumed a sinister significance to the new Viceroy. If Mr. Lloyd George continued to flout Moslem opinion, loyal moderate India might well fall into the ready hands of the extremists.

The new Viceroy acted quickly. Having decided that India should be soothed and not intimidated he adopted a conciliatory and friendly tone in every speech. In this direction he was undoubtedly assisted by the great prestige which he had brought to his office. India could not ignore the fact that the Viceroy was the former Lord Chief Justice of England. Indian Law students had brought back with them stories of the courtesy and humanity of the great advocate who had once sailed before the mast. Lord Reading at once reinforced the prestige with which he had been endowed in advance. What at once impressed those around him was the calm dignity of his bearing. Success does not always settle happily on the Jewish palate, but Lord Reading had never been the victim of a Ghetto complex. He owed much of his success at the Bar to his wonderful courtesy to all classes. A life of varied experience often produces breadth of vision at the expense of the social graces. In Lord Reading's case, however, the opposite was true. He was the personification of unobtrusive elegance and good taste. His manner was easy and unforced, but subtly invested with a quality which gave the lightest remark the charm of a confidence. His voice was soft with years of accumulated wisdom. As he spoke a gentle smile was usually upon his lips. To the close observer, however, the eyes did not always enforce the message of that confiding smile. They were the cool steady eyes of a business man who never lost sight of his objective. And it was as a business man, anxious to disinfect the atmosphere of suspicion before commencing to bargain, that the new Viceroy first addressed India.

It may be well to add, however, that the Oriental in him thoroughly enjoyed the pomp and pageantry attached to his high office.

No successful compromise, he knew, was possible without the co-operation of the Indian people. He therefore clothed himself with a benevolent neutrality before mounting the rostrum. The velvet glove had whisked away difficulties at the Bar and in every other sphere into which he had ventured. Lord Reading donned it again with justifiable self-confidence.

The first receptions and speeches were filled with gracefully proffered olive branches. Particularly felicitous was Lord Reading's reply to the Address of Welcome from the Bombay Municipal Corporation. "Your well-known loyalty to the King-Emperor would of itself assure an official welcome, but I think I detect something more delicate and more graceful in your address." He told his audience: "I note specially your sympathetic reference to the ancient race to which I belong, and observe with pleasure that you state that your pride in welcoming me is enhanced by this circumstance. It is my only connection with the East until the present moment, and this leads me to wonder whether perhaps by some fortunate, almost indefinably subtle, sub-consciousness, it may quicken and facilitate my understanding of the aims and aspirations, the trials and tribulations, the joys and sorrows, of the Indian people, and assist me to catch the almost inarticulate cries and inaudible whispers of those multitudes who sometimes suffer most, and yet find it difficult, if not impossible, to express their needs. . . . Meanwhile I must not utter an incautious word or take a hasty step. I have no doubt that India will understand and respect my reticence at this moment."

It is never difficult to read non-existent wisdom into a speech. In this case, however, it is impossible to overlook the subtle implications of Lord Reading's remarks. He

had himself reminded India that he was not the usual type of Viceroy. His hearers were therefore to infer that here was no product of Eton and Sandhurst, but one who could by virtue of his race and upbringing readily sympathize with the aspirations of an Eastern people. Having struck the personal note and held out the hope of material and spiritual happiness, the Viceroy had then quietly given the impression of taking the country into his confidence. India was to respect his reticence at that moment. Meanwhile the Viceroy would play for more time.

This speech was typical of many of Lord Reading's public utterances at this time. Wedged between the sonorous acknowledgments were sugary little pellets of conciliation. No effort was spared to remind the Indian people that the new Viceroy had come among them as a friend with a ready sympathy for all their suffering. The day after his arrival in India, Lord Reading received a deputation from the Indian Merchants Chamber and Bureau. After a neat and entirely non-committal statement on trade questions, Lord Reading again returned to his tactics of conciliation. Speaking with an eye to the discontented Moslems, the Viceroy said: "Nothing was more splendid, and I trust that nothing that ever happens will make us, British and Indians, together regret that we struggled for great and high ideals which India took to her heart equally with ourselves. Whilst it is true that there have been disappointments after the War, I am afraid these are inevitable. People cannot always live, even in a spiritual country like India, at the extreme height of the noblest ideal, since we are only human beings, but that we together, British and Indians, reached those altitudes should always be a bond between us."

But if words often make revolutions they cannot always quell them. Within a few weeks the new Viceroy had perceived the dangers of "satyagraha" as a popular creed.

The soaring idealism of the Mahatma had raised him into a psychological stratosphere from which it was possible to envisage all India boycotting Britain without violence. The Viceroy had no such illusions. Without doubting Gandhi's sincerity he was convinced that the latter had blinded himself to the militant character of the Moslems in his camp. The Ali brothers, who had been interned during the War, had taken up the cause of Turkey with great fervour. Growing a little impatient of Mr. Gandhi's mystical heights they resorted to a more direct appeal to the masses. By the spring of 1921 these appeals had become little short of incitements to violence.

Lord Reading seized upon the anomaly and acted with characteristic decision. Within a month of his arrival in India he had scored his first great diplomatic triumph. Through the intervention of Pandit M. M. Malaviya, he invited Gandhi to exchange ideas and discuss outstanding problems with him. Gandhi agreed to do so, and the two men had several interviews. The conversations ranged over the various causes of discontent in India with particular reference to the Khalifat agitation regarding the Treaty of Sèvres. With his customary disarming blandness Lord Reading suggested that Mohammed Ali was flouting Gandhi's first principles in making inflammatory speeches. Gandhi at first strenuously suggested that the passages complained of were merely metaphorical. But the former Attorney-General was on sure ground. His gentle questioning and logical inferences left the Mahatma no other course but retreat. It was finally agreed that if the Ali brothers issued a public apology the Government would not prosecute them. The promised statement was published in due course and the brothers undertook "neither directly nor indirectly to advocate violence at present or in the future, nor create an atmosphere of preparedness for violence, as long as they were associated with the movement of non-violent non-co-operation."

This incident was undoubtedly a diplomatic triumph for the new Viceroy. He had out-manceuvred Mr Gandhi and forced the Ali brothers to retreat. The sting had been skilfully extracted from the Movement's tail before any damage had been done. Henceforth, any violence on the part of the agitators could be regarded as a breach of faith. In short, by extracting the promise of non-violence the Viceroy had justified himself in advance for such repressive measures as might be necessary.

Events soon demonstrated how well-grounded were the Viceroy's suspicions. The first elections for the new Legislatures under the Montagu-Chelmsford Reforms had been held in November, 1920. In spite of the non-cooperation movement over two thousand candidates had offered themselves for the 774 seats, and the machinery of diarchy was set in motion. But the great experiment had begun in the shadow of a financial crisis. Parliamentary institutions are expensive and an expanding native bureaucracy inevitably brought increased taxation. Meanwhile, the leaders of passive resistance exacerbated Indian opinion. On August 1st, Gandhi supervised a huge bonfire of imported cloth. India had begun to accept his gospel that nakedness was preferable to clothes bearing the badge of servitude. A few days later Mohammed Ali presided over a Khalifat Conference at Karachi, which passed a resolution forbidding Moslems to serve the Indian Government in any capacity.

Meanwhile, the Viceroy was losing the first glow of hopeful anticipation. He had steadfastly refused to be the heavy father to India. He was determined to preserve British prestige in India, but not "at all costs." India had recently received a charter and he recognized the necessity of assisting her sympathetically along the path of self-government. But all political action was heavily weighted by the burden of British and Indian ignorance. While small groups in England were striving to withdraw the new

constitutional charter, India was clamouring for full Swaraj. Lord Reading clearly saw the dangers of the situation. Moderate Indian opinion was being undermined by the revolutionary movement and the short-sighted policy of the British Government. The terms of the Treaty of Sèvres were tossed into the knapsack of every wandering propagandist. England stood convicted of hostility to Islam. The Viceroy was energetic but powerless. He and Montagu had repeatedly urged that the Treaty of Sèvres should be modified and Moslem sentiment respected. But Mr. Lloyd George's vivid imagination had been too deeply impressed with tales of Turkish atrocities to be side-tracked into a sober consideration of Imperial problems.

Thwarted in his dream of reconciling the moderate element, Lord Reading began to investigate the vital problems of industry. He had come to India resolved to carry into effect the Montagu-Chelmsford Reforms and to leave the country on the well-laid road of constitutional reform. But he had also come as a business man. The Viceroy saw India with a freshness and breadth of vision which cut like a circular saw through immediate prejudices and difficulties. The post-war wave of economic depression had swept India as it had swept almost every other country. Here, however, the problem of reconstruction was complicated by ignorance, superstition, internal racial difficulties and the spirit of non-co-operation. From the moment of his arrival the Viceroy saw the necessity of keeping his finger on the pulse of commerce and finance. The force of Indian political aspirations could not be denied, but the Viceroy realized that an empty stomach is built for extremist propaganda. He was therefore prepared to believe that if he could restore prosperity Britain's difficulties would be greatly minimized. His shrewd eye noted the necessity of developing transport communication and extending manufactures. Housing and labour conditions were studied and mentally departmentalized, while currency and exchange

questions touched an answering chord in the Viceroy's mind.

Meanwhile, however, events were conspiring to transform the man of business into the ruler of India. While famine-stricken Indians were appealing for clothes, Gandhi supervised huge bonfires of imported cloth. In August, the Ali brothers proved that their enforced promise had not driven them from the political arena. In the absence of Gandhi, Mohammed Ali presided over the Khalifat Conference at Karachi and pushed through a resolution forbidding Moslems to serve the Indian Government in any capacity. This resolution was signed later by Gandhi and all the prominent Congress leaders and was enthusiastically endorsed up and down the country. The resolution was, of course, a direct challenge which the Viceroy could not ignore. For the time, however, his attention was concentrated elsewhere. In the same month of August the Moplahs, a fanatical Moslem community in Malabar, began a holy war which resulted in ferocious attacks upon Europeans and Hindus and the desecration of Hindu temples.

The effect of the Moplah horrors cannot be lightly dismissed. The rising was quickly crushed by vigorous action, but not before it had driven a nail into the new Hindu-Moslem pact. The reports of the massacres in Malabar had aroused the strongest anti-Moslem resentment throughout the country. Meanwhile, Gandhi was losing the support of many of his followers by minimizing the ugly reports concerning the "brave God-fearing Moplahs."

The Viceroy tightened his lips. The Karachi resolution and the Moplah rising had shown him his course. He had been appointed in the firm belief that he was the one man capable of tempering justice with forbearance, however great the provocation. The situation now demanded firmness and an overt refusal to be intimidated. Lord Reading was appalled by the miasma of distrust and

suspicion which was settling over India. His experienced ability and statecraft had warned him of the dangers of repression, but it was clearly necessary to uphold the law. He had from the first attempted to secure the support of the moderate elements who had drifted towards the agitators through the combined stimulus of native propaganda and Lloyd George's short-sighted Hellenism. The time was come to assure law-abiding citizens that they would be protected and to warn the extremists that violence would not be tolerated.

The Viceroy sounded the first note of menace in September, 1921, when he addressed a joint meeting of the Council of State and the Legislative Assembly. The silky gloss of the early speeches had faded in the pitiless light of the last few weeks. Lord Reading now warned his opponents in a speech which was instinct with purpose. "There has been some wild talk of general disobedience to law, in some cases, I regret to say, accompanied by an open recognition that such a course must lead to disorder and bloodshed. Attempts have even been made by some fanatical followers of Islam to seduce His Majesty's soldiers and police from their allegiance, attempts which, I am glad to say, have met with no success.

"As head of the Government, however, I need not assure you that we shall not be deterred one hair's breadth from doing our duty. We shall continue to do all in our power to protect the lives and property of all law-abiding citizens, and to secure to them their right to practise their lawful avocations; and, above all, we shall continue to enforce the ordinary law and to take care that it is respected. . . ."

Lord Reading soon proved that he meant what he had said. His early conciliatory speeches had misled many of the extremists into believing that concessions might be lightly extracted. The Oriental mind does not usually underrate an opponent, but the agitators had read too much into the Viceroy's friendly attitude towards Moslem



Bourne and Shepherd, Calcutta

Viceroy of India

grievances. Had he not publicly advocated the revision of the Treaty of Sèvres? What was easier than to presume upon the goodwill of the Viceroy and discredit the Government in the eyes of the people?

Things now moved with bewildering rapidity. The Ali brothers had so far forgotten their pledge as to tamper openly with the loyalty of the Mohammedan sepoys. This action, taken in conjunction with the Karachi Resolution, left no alternative to the Viceroy. The brothers were arrested and in due course sentenced to two years' imprisonment.

Meanwhile, Mr. Gandhi was faced with increasing difficulties. The year was ending and the walls of Jericho had not fallen to the bleating of his goat. The Moplah horrors had split his ranks and many of his followers had grown disillusioned. The Mahatma now called for the non-payment of taxes. It was in this tense atmosphere that the Prince of Wales arrived in India. The visit was obviously an embassy of peace and goodwill, but to the more ardent Swarajists it presented the occasion for an offensive scrub. A "hartal" was declared and the Prince was to be boycotted throughout India. At Bombay there were riots and 53 people were fatally injured. When the Prince entered Allahabad the streets were deserted and all traffic and business were suspended.

The Viceroy was watching events with the closest attention. His instinct for affairs warned him that the Swaraj party was slipping through Gandhi's fingers. But although non-violence was becoming more and more irksome to the Swarajists, Lord Reading did not underestimate the Mahatma's personal influence. India adored Gandhi as a saintly character and a disinterested politician, and Lord Reading foresaw the dangers of a movement of soul-force in the hands of men who were not as faithful to the vows of non-violence as their leader. He had come to India well endowed with patience and the spirit of

forbearance, but the time was almost come to prevent the further subversion of law and order. Realizing that the early months of 1922 would tax all his energy and resolution, Lord Reading wisely determined to prepare for the fray in an atmosphere of peace and tranquillity. The last few months had been a terrible strain. Deputations had poured into the Viceregal Lodge thick as autumnal leaves. All those who "invited attention to the gravity of the present Moslem situation" had to be soothed and reassured in the face of Mr. Lloyd George's repeated intention to banish the Turk to Asia. Each Address from the innumerable Chambers of Commerce had to be spirited away with promises and pledges. Hundreds of Indians came to Simla, cap in hand, determined to vent their grievances. The vast majority left the Viceroy with promises of sympathetic consideration.

The work of conciliation left Lord Reading no leisure. But the week-ending spirit which he had always gratified at the Bar was still within him. In October, 1921, he therefore determined to seek relaxation from his anxieties by visiting the leading ruling Princes of India, thereby discharging one of his duties as the Representative of the King-Emperor. Lady Reading was also delighted with the prospect of a change and the two set gaily forth on their tour. Their first visit was to the Maharajah of Kashmir, who received them with a lavish display of hospitality. His Highness met Lord and Lady Reading on the road and accompanied them into Srinagar. The procession presented a picturesque spectacle which captivated the senses of the man who had first glimpsed the East from the deck of an old three-master. The glorious scenery had deeply impressed Lord and Lady Reading, but the Viceroy's keen eye had noted that the excitement was not entirely due to their visit. Life even in that beautiful country was not without its shadows and the shortage of food was proving a great hardship to the poor.

The Viceroy's arrival had in fact synchronized with the assumption of complete control by the Maharajah, Sir Pratap Singh, and the spirit in which autocratic government was received in Kashmir taught Lord Reading that the Oriental mind thoroughly respects firm Government in spite of its complaints.

The Viceroy's speech at the Banquet in his honour was a model of felicitous phrasing. His great courtesy of manner and distinguished appearance had made a great impression on the Maharajah while his semi-Oriental courtliness made everyone feel completely at ease with him. The Viceroy's phrases had indeed caught something of the heavy opulence and splendour of his surroundings. Each tribute to the Maharajah was underlined with precisely that touch of grandeur which the occasion and the surroundings demanded. Not a word seemed out of place. "It is now my pleasant task to propose the toast of our popular and distinguished host, His Highness the Maharajah of Kashmir," said the Viceroy. "Those of you who have spent your lives in Kashmir, or have been otherwise associated with His Highness in his daily life, will be able to speak more fully than I can of the many virtues which have made him beloved of his people and of all who have been brought into contact with him, virtues which have raised his State to the same level as the highest in the Indian Empire, and have earned for him personally the rank of Lieutenant-General and the Grand Commandership of the Star of India, the Indian Empire and the Order of the British Empire. I also, though my acquaintance with His Highness has been so short, have learned to appreciate his shrewdness, his kindness of heart and lavish generosity, and above all, his deep-seated loyalty and devotion to the Crown and the British Government. I must add for myself and Her Excellency that the very cordial invitation of His Highness that we should again visit Kashmir and Jammu and stay at least four weeks is very tempting, and

I trust that it may be possible for me to come here in response to His Highness's expressed desire. I ask you to join with me in drinking to the health of His Highness the Maharajah Sir Pratab Singh Bahadur, Maharajah of Jammu and Kashmir, and in wishing him all happiness and prosperity."

This was by no means the last time the Viceroy was asked to extend or repeat his visit. The charm and elegance which had won over the Bar proved an equally successful combination during these princely tours. The serenity of his temper and his ready grasp of facts made it a pleasure to discuss affairs with him while his love of shooting and hunting delighted his hosts. In January, Lord and Lady Reading visited the Maharajah of Bikanir, who had seen distinguished military service in France. To the Viceroy this visit had all the charm of renewed acquaintance, for the two men had been colleagues in the Imperial War Cabinet. They had met again in Paris during the Peace Conference where they had frequently discussed Imperial problems. The Maharajah had ruled, until his majority, with a Council of Regency and had then done wonders for his State. He had been elected Chancellor of the Chamber of Princes and, like the Viceroy, had achieved success in many spheres of activity. The two men liked and respected each other and the visit proved a great success. The Maharajah also held Lady Reading in great esteem, and paid tribute to the part Her Excellency had played in her distinguished husband's success. This charming reference to Her Excellency provided the Viceroy with the material for one of his most felicitous speeches. Replying to the Maharajah's address of welcome, he said: "Hospitality, and the dispensing of it, are perhaps greater tests than are generally recognized. Hospitality does not merely consist, as you so well recognize, in entertainment on a sumptuous scale. True hospitality consists, as is so well understood here in the East, in that sensitiveness of response

to the thoughts passing through the minds of your honoured guests, which leads you to give effect by the swiftest and most successful means to their wishes. . . . Now I find myself here in this great sandy plain, where without being quite able to picture how it is done, I have been transported from one place to another, at Gujner, where it seemed to me that I was in the land of imagination of the fairies of whom I read and heard in my youth. The enchanted palace was there, and all that a human being could do to make not only our stay but that of all assembled there as happy and enjoyable as it could be, was achieved by Your Highness—and if it had not already sufficed to enhance our friendship, there fell from you to-night words of appreciation of the lady who has honoured me with her company during so many years. Your Highness must be gifted with an extra sense, you must know and have divined its significance from your own experience what the assistance of Her Excellency has meant to me in any service I have been asked to perform. I thank you and shall say no more than that you have put into words that which generally lies buried very deep in the male heart.”

But impressed as he was by the splendour and magnificence of his reception throughout his tour, the Viceroy was still the business man. He saw the ruling Princes as colleagues and partners and their *gaddis* as seats of duty. Lord Reading had no friendly eye for the frivolous and irresponsible despots who did their duty on the polo ground, racecourses and hotel terraces of Europe. From Bikanir Lord and Lady Reading passed on to Rewah, thence to Jodhpur, where the Viceroy installed the new Maharajah in power. Lord Reading's speech was remarkable for its sober warning. “You commence your rule to-day with every hope and promise for the future,” he told the young Maharajah of Jodhpur. “The foundations have been well and truly laid, and it now remains for Your

Highness to build up your administration on those foundations in a manner worthy of the high traditions which you have inherited. The business of government is more difficult and complex than it has ever been. There has been a change in the world since the Great War. Old ideals have been disturbed, old methods have been criticized. This unsettlement of ideas has its influence for good, but a period of transition and change inevitably brings difficulties to the task of the administrator. People are no longer content with the same standards which satisfied their forefathers, and your Sardars and people will expect to share in the moral and material advancement of the present day. . . ."

Nor were the Viceroy's visits confined to Hindu States. From Jodhpur Lord and Lady Reading passed on to Rampur, Bhopal and Hyderabad. Each visit was marked by a display of goodwill and cordiality which left no doubt as to the loyalty and devotion of the Princes of India to the King-Emperor. Equally apparent was the fact that Lord Reading was being entertained, not only as Viceroy but as a great Jew whose reputation girdled the earth. His wise judgment and broad outlook made new friendships everywhere, while the suave dignity of his demeanour broke down the prejudices of those who had pictured Rufus Isaacs as some wily, sharp-faced Jewish attorney.

Lord Reading returned to Delhi in February, 1922, refreshed and heartened by what he had seen. The tour, short though it was, must be regarded as one of his greatest personal triumphs. Adaptability was ever one of his greatest assets and it is enough to say that the man who succeeded in charming the American business men in war-time found no difficulty in winning the friendship and confidence of the ruling Princes of India. But much had happened since the days when Rufus Isaacs had gaily cast aside his legal work during hard-earned week-ends. Throughout his tour he had been unable to forget the heavy

responsibilities which lay before him. He was in no doubt, however, as to his attitude towards India. Speaking at Bikanir he had said: "Like His Highness, I have a very firm belief in human nature, and I noted His Highness's observations on the robust common sense of the Indian people. Although we differ in many characteristics in East and West, yet fundamentally we are the same, we live very largely the same lives, and are swayed by reason and by generous sentiments. Unfortunately reason is sometimes swayed by passion. I have observed that here passion is too often generated by a mistaken, at times a misrepresented, view of the intentions of the Government of India. I have spoken so recently on this subject that I shall not repeat myself to-night. I shall only say that it is a mistake to imagine that a desire to meet the legitimate wishes of those who believe they have grievances is weakness. *It is possible to be firm, and yet conciliatory.*" And it was in this sincere belief that Lord Reading returned to the Viceregal Lodge.

Meanwhile, the Swarajists had not been idle. Mr. Gandhi had been disgusted by the violence of the Bombay riots and now insisted that Congress should adopt Satyagraha and suffer, instead of inflicting, injury. The Government policy was to be fought with civil disobedience. Every Indian was invited to join the National Volunteer Corps and offer himself for arrest. The Annual Session of Congress held at Ahmadabad in December, 1921, adopted this plan and gave the Mahatma a mandate to carry out his policy. Mr. Gandhi's intentions were soon apparent. "We must draw the gunpowder on our own heads, and that at the earliest possible opportunity," he declared in an Indian Nationalist paper. His followers now began a campaign to provoke disciplinary action and thus alienate moderate India from the British Raj. The Viceroy was, however, on his guard. He had easily withstood the panjandrums of Cheltenham who were for perpetuating a beneficent

bureaucracy in India. He saw that moderate India had welcomed the democratic system and would not tolerate the use of the iron hand. Nor did Mr. Gandhi's provocative challenge deceive the man who had won most of his forensic battles on the defensive. Lord Reading was therefore content to wait for a false move.

The weakness and dangers of the non-co-operation movement were soon revealed. On February 1, 1922, Mr. Gandhi wrote to the Viceroy informing him that unless the Government changed its policy within seven days he would begin Civil Disobedience at Bardoli in Gujerat. While India anxiously counted the days, a riot occurred which was to torpedo Mr. Gandhi's whole campaign. On February 4, a large mob headed by Gandhi's "Congress Volunteers" massacred twenty-one policemen at Chauri Chaura, a small town in the United Provinces. All Gandhi's susceptibilities were violated by this horrible affray and he at once countermanded his orders for the Bardoli campaign. The white mantle of Satyagraha had been stained by men pledged to non-violence. Mr. Gandhi sorrowfully turned his back on Bardoli and urged the country to commence self-purification and hand-spinning. It was a palpable confession of failure and left Gandhi dangling between Congress and the Government. The vast majority of his followers had impatiently gulped down "non-violence" as a stop-gap remedy prior to a declaration of complete independence. Gandhi's sackcloth and ashes now came as a terrible anti-climax to the Congress firebrands. Everything had seemed ready for a united thrust against the Government and now the leader had returned to the spinning-wheel. The Swarajists became bitterly resentful and one of their leaders summarized the prevailing opinion in declaring that "Saintliness was no match for Imperialism." It was at this moment that the Viceroy decided to act. Events had provided him with an impregnable brief. He had made several attempts at

reconciliation with Gandhi and could point to Chauri Chaura as evidence that the non-violence campaign did in fact lead to constant violence. Lord Reading therefore authorized the prosecution of Mr. Gandhi for promoting disaffection. This step was taken with not a little reluctance. The Viceroy would have preferred not to arrest Gandhi, but to allow the latter's personal influence to decline, for he had no wish to confer martyrdom upon the Mahatma. But since the Prince of Wales's departure great pressure had been brought to bear upon him. The British Government had long been insistent, and the Viceroy had only agreed to order Gandhi's arrest when the Governors of two great Provinces threatened to resign. The Mahatma pleaded guilty and attempted an ethical justification of his conduct in the course of which he reminded the Court that "affection cannot be manufactured or regulated by law." The saintly prisoner was convicted and sentenced to six years' imprisonment.

The elimination of Mr. Gandhi from the political scene did not end the Viceroy's anxieties. Before the latter's arrival in India he was aware of the Secretary of State's sympathetic attitude towards the Moslem cause. Since his arrival the terms of the Treaty of Sèvres had never been absent from his mind. Lord Reading had come to respect the religious sentiments of the Mohammedans, realizing how deeply their loyalty was being taxed by Mr. Lloyd George's pro-Hellenism. He was convinced that unless the Indian Moslems were pacified they would surrender to the agitators. Hence arose an amazing situation in which the Viceroy did everything in his power to reverse the British policy. Matters came to a head in the spring of 1922 when Lord Reading determined to make a last effort to win over the British Government. The Powers were arranging to meet at Genoa to consider the revision of the Treaty of Sèvres. It was a critical moment and the Viceroy felt that the time had again come to

remind the Prime Minister of the intensity of Moslem opinion. On March 7, Lord Reading sent Mr. Montagu the historic telegram which led to the latter's resignation.

On the eve of the Greco-Turkish Conference we find it our duty again to lay before His Majesty's Government the intensity of feeling regarding the necessity for a revision of the Sèvres Treaty.

The Government of India are fully alive to the complexity of the problem, but India's services in the War, in which Indian Moslem troops so largely participated, and the support which the Indian Moslem cause is receiving throughout India, entitle her to claim the extremest fulfilment of her just and equitable aspirations.

The Government of India particularly urge, subject to the safeguarding of the neutrality of the Straits, and of the security of the non-Moslem population, the following three points, namely:

1. The evacuation of Constantinople.
2. The suzerainty of the Sultan in the Holy Places.
3. The restoration of Ottoman Thrace (including Adrianople and Smyrna).

The fulfilment of these three points is of the greatest importance to India.

This telegram was published two days later in the English Press and it was assumed that the publication was authorized by the Cabinet. It soon became clear, however, that Mr. Montagu had acted entirely on his own responsibility and in violation of the canons of Cabinet procedure. That same day Mr. Lloyd George saw Mr. Montagu and asked him to resign. Here was an ideal opportunity for Lord Reading's opponents. On the very eve of Genoa the Viceroy of India had presumed to make a list of cut-and-dried practical suggestions! The forced resignation of Mr. Montagu could only be construed as a snub to the

Viceroy. Lord Curzon indeed went so far as to declare that "a subordinate branch of the British Government, six thousand miles away, had dictated to the British Government what line it ought to follow in Thrace." But Lord Reading was too valuable to be chastised by the Government. He did not attempt to defend himself, and continued with even greater energy to advocate the revision of the Treaty of Sèvres. Nor did the Viceroy forget the Secretary of State at a time when Mr. Montagu's former colleagues remained in the shadows. "I take the fullest responsibility for the telegram sent, not only because I am the head of the Government of India, but because the proposal originated with me," he declared in public, adding that "the news of Mr. Montagu's resignation came to me as a complete surprise." How Lord Reading's views subsequently prevailed at Lausanne is now a matter of history. Let it suffice to say that the Viceroy's courageous advocacy contributed to a revival of pro-Turkish feeling in England which received its greatest stimulus in the reports of horrible massacres by Mr. Lloyd George's beloved Greeks in Asia Minor. To Lord Reading, however, Lausanne meant that the anxieties of the Indian Moslems had been allayed. Nor was there any doubt in India as to the Viceroy's share in the struggle for justice. In July, 1923, Lord Reading was presented with an address by members of the Moslem Legislature which showed how accurately he had diagnosed the temper of educated Moslem opinion.

We have assembled here to-day to express our deep sense of gratitude to your Excellency and the Government of India on the signing of the Turkish Peace Treaty. The part played by Your Excellency and the Right Hon. E. S. Montagu, who, we are sorry to note, is no longer a member of the Cabinet, will be gratefully remembered by us and future generations. Throughout

a period of stress and storm Your Excellency never allowed your sense of true statesmanship to be influenced by the passing events of the day. The telegram of the 28th of February, 1922, which embodied the views of the Provincial Governments, including the Ministers, showed how rightly Your Excellency's Government had gauged the real situation.

Its publication was followed by the forced resignation of Mr. Montagu, which gave a shock to our community no less than to the rest of our countrymen. Good, however, cometh out of evil. The event went a long way in dispelling the atmosphere of distrust and suspicion in which a large section of our co-religionists were working, and they began to realize that, whatever might be the attitude of the British Cabinet, Your Excellency's Government had wholeheartedly undertaken to champion our cause. We realize that the disappearance of Mr. Montagu from Whitehall must have thrown the whole burden on Your Excellency and on your Government. It is most fortunate that India had at this critical time as the head of the Government a statesman of Your Excellency's sympathetic imagination, strong will and wide experience.

Nor was this the only topic on which the Viceroy was at variance with His Majesty's Government. As the Turkish Treaty question had stirred Moslem sentiment, so did the situation in Kenya affect the Hindus. In 1921 the Imperial Conference had affirmed the doctrine of equality of citizenship within the Empire. The application of the principle was, however, to prove no easy matter. Mr. Sastri, who visited Australia and Canada in 1922, found no opposition to his plea for citizenship for British Indians domiciled in those Dominions. South Africa, however, dissociated herself from the declaration of 1921 and insisted on the right to regulate the status of her

inhabitants. Equally serious, but far more urgent, was the situation in Kenya, a Crown Colony. This problem could no longer be dismissed as a squabble in the outposts. The Indians in the Colony already outnumbered the whites and threatened to swamp them completely in the very near future. The solution of the problem was not as simple as at first sight appeared to be the case. In advocating segregation and the limitation of immigration the whites insisted that they were attempting to maintain a European standard of living and protecting the future of the Colony. The Indians were therefore to be second class citizens. This attitude aroused the resentment of all India. In March, 1923, a mass meeting held in Nairobi demanded "complete equality of status" and sent delegations to England and Bombay. In April Mr. Sastri came to London and appealed for a common electoral roll for all Indians in Kenya capable of passing a minimum test of civilization. Meanwhile, the situation was used as a peg by Indian extremists. Propagandists circulated exaggerated stories of violence and made scurrilous attacks on British morality in Africa. With the Kenya question the fortunes of the extremists revived. A new phase had begun, for Kenya served to reunite the Swarajists and Gandhists. Through fierce agitation and propaganda the question came to be regarded in India as the acid test of British sincerity. "Kenya lost, all lost," declared Mr. Sastri, and all India echoed his words.

Faced with this problem the Viceroy again took up his stand at the side of India. He had helped to pacify the Indian Moslems, and believed that the satisfactory settlement of the Kenya question would checkmate those who wished to foment sedition among the Hindus. As a Jew, moreover, he was in sincere sympathy with the disabilities under which the Kenya Indians suffered. The painful history of his race stirred within him and warned him of the dangers of persecution. He had never suffered

from pessimism and believed that a calmer and healthier political atmosphere could only be based on mutual respect and racial equality. But the problem of reconciling the two divergent points of view was not in his hands. The Viceroy was therefore in the difficult position of having to soothe innumerable deputations with assurances which could only acquire validity by action taken thousands of miles away. Meanwhile, he was faced with the prospect of a reunited Swaraj party headed by men who were feverishly beating the Kenya drum.

In spite of his private doubts, the Viceroy had invariably spoken with confidence and optimism. The decision of the Government now filled him with keen disappointment. Although segregation and racial distinctions were abolished, the Indians in Kenya were not given equality of status. The reservation of the Highlands for Europeans was maintained and the Indians were still under disabilities of franchise. The decision inevitably caused a storm of protest. The British Government had turned its back upon the Imperial Conference and placed a brand in the hands of every Indian agitator. The Viceroy did not attempt to conceal his opinion of the decision. In a public statement issued in July, 1923, he said: "The news of the decision came to me and my Government, no less than to you, as a great and severe disappointment, for India has made the cause of the Indians in Kenya her own. His Majesty's Government have announced their decision and the Government of India must consider it and arrive at its conclusions. If submission must be made, then with all due respect to His Majesty's Government it must be made under protest."

It is not surprising that this statement was interpreted by several members of the House of Lords as a gesture of defiance. It seemed preposterous to the Dichaids that the head of a "Department of State" should presume to comment on Imperial policy. Telegrams were

exchanged between Delhi and London, and Lord Peel, the Secretary of State, then made a statement—"The Viceroy has made it perfectly clear that there was no idea on his part or on the part of his colleagues to challenge the decision communicated to them by His Majesty's Government." But this attempt at whitewashing deceived nobody. Lord Reading regarded the Viceroyalty as an approximation to the Premiership of a Dominion and felt justified in protesting against a policy which he regarded as mistaken.

But an embittered India could not distinguish between the Viceroy and His Majesty's Government. A torrent of abuse poured from the Nationalist Press and violent resolutions were passed up and down the country. In January, 1924, Mr. Gandhi was operated upon for appendicitis and released from prison. His imprisonment had restored his popularity but he could no longer command respect as a political leader. On his release it was apparent that the leadership of the Swarajists had passed from his hands into those of C. R. Das and Pandit Nehru. Communal antagonisms were for a time lost in the Kenya agitation, but the old difficulties remained. On the fourth anniversary of Jallianwalla Bagh, by a supreme irony, rioting took place at Amritsar and British troops had to restore order between Hindus and Moslems!

The new Das-Nehru party had much admiration but little political respect for Mr. Gandhi's campaign of passive resistance. Everything was to be boycotted, including the Empire Exhibition, and the agitators prepared for a widespread campaign of violence and sedition. Meanwhile, Mr. Lloyd George had issued a warning which added greatly to the Viceroy's anxieties. Speaking of the Montagu-Chelmsford Reforms, the Prime Minister had declared in the House of Commons: "Those changes are in the nature of an experiment. They must be treated as an experiment, a great and important experiment, but still as an experiment. . . . Whatever the success of

Indians, either as Parliamentarians or administrators, I can foresee no period when they could dispense with the guidance or assistance of a small nucleus of British Civil Servants and the British officials in India. The British Civil Servants are the steel frame of the whole structure, and I do not care what you build on, or add to it, if you take that steel frame out the fabric will collapse."

This declaration filled the vast majority of Indians with indignation and apprehension. The Swarajists pointed to the "steel frame speech" as evidence that the British Government intended to undo its own work at the very moment when Indians were agitating for a wider form of self-government. The Prime Minister's action necessarily placed the Viceroy in a difficult position. Lord Reading had from the first combated extremism with a display of tact and firmness. Mr. Lloyd George had now come forward to warn those who proposed to wreck the Reforms. Lord Reading was therefore compelled to attempt to place a generous construction upon words which were full of menace. That he failed to convince India is not perhaps surprising. But his reply to a deputation of protest was a model of tact and adroit diplomacy. "Let me tell you how I understood it when I read the text of the speech, and particularly in the light of the debate in the House of Commons. I concluded that the Prime Minister intended to serve two purposes; the first to utter a note of solemn warning to those who, after the next election, might be inclined to pursue the deliberate policy in the Legislature of paralysing the activities of Government by rendering it impotent and reducing administration to chaos. . . . The Prime Minister's second purpose, as I understood it, was to give confidence to the members of the Civil Services who have played, and still play, a great and important part in the administration of India, to allay their apprehension regarding their emoluments and pensions and general position since the Reforms, and

to assure them of his sympathy in the performance of their trust and in the difficulties that confront them."

But the Viceroy's calm voice was drowned in the uproar of a propaganda-maddened country. The end of 1923 saw a recrudescence of political violence in Bengal. Seditious propaganda was flooding every village in India. Boycotting and violence were encouraged and English politicians were lampooned and abused by the Nationalist Press. Nor was the Viceroy immune from personal attacks. The Allahabad Municipal Board voted against participating in any ceremonies in honour of the Viceroy's forthcoming visit and one speaker went so far as to declare that "Lord Reading's cry of justice, equity and fair play for India was mere camouflage."

While the agitators were sweeping the country the Das-Nehru party prepared for action. The cleavage of ideas which had developed between the Mahatma and the Swarajists had hardened into open rupture. Mr. Gandhi had not convinced Hindu India of the desirability of abolishing caste untouchability nor could he hold the ear of the Swaraj leaders with his cry of passive boycott. Early in the new year the Swarajists secured almost half the elected seats in the Central Assembly and settled down to "uniform, continuous and consistent obstruction with a view to making Government through the Assembly and the Councils impossible."

The Viceroy was by no means blind to his responsibilities. The formation of a Labour Government in England was greeted with shrill delight in India. The news, moreover, gave additional stimulus to the obstructionist measures of the Swarajists who hoped to impress the new Government and gain easy concessions. Lord Reading now showed that he could be firm as well as conciliatory. The murderous outrages in Bengal had shocked moderate opinion throughout India. Conspiracies to assassinate public servants had come to light in many districts, and

the security of the subject became imperative. The Viceroy acted cautiously but with great firmness. All his prejudices were shocked by having to detain prisoners without trial, but the necessity of employing his emergency powers was too clear to be ignored. Lord Reading initiated no new policy of repression, but after due warning authorized the arrest of persons implicated in seditious enterprises. It may be well to add that the necessity of these measures received tragic confirmation in the revolutionary crimes which occurred in the early months of that year. Looting and the intimidation of witnesses again became common and Lord Reading saw his punitive measures endorsed not only by the body of moderate Indians, but by the revolutionary tactics of the Swarajists themselves. Each of his public addresses at this time expressed his deep regret at the purblind behaviour of the extremists. Every sentence was tinged with the sadness of a man who saw the hard-won Reforms slipping through India's fingers. Opening the Session in January, 1924, Lord Reading solemnly warned the country against the agitators. "I still wonder what purpose beneficial to India will be served by any course destined to destroy the continuity or progress in the Reform movement. No change in the Constitution can be effected by legitimate and peaceful means save with the assent of the British Parliament, that is the British people. I gather that there is a disposition in some quarters to believe that the hands of the British Parliament can be forced and that a situation may be created which may impair the Reforms and thus cause Parliament to act contrary to their desire and better judgment. It may appear easy to impair and even to destroy and re-create. Doubtless destruction is always easier than construction. Violent revolutions have destroyed the institutions of nations. Neglect and apathy in other cases have induced their decay or extinction, but I beg you to remember that when influences of this

nature have been set in motion restoration and re-creation become infinitely more difficult and sometimes impossible. These influences make no appeal to the British people and the British Parliament would emphatically repudiate and reject them. Rather rest the real hopes of the consummation of India's desires in the promises already made, and in the intentions already manifested and to be manifested by that great champion of liberties, the British Parliament." Additional point was given to these warnings by the Labour Government which refused to be intimidated by the clamouring of the extremists.

Meanwhile, the Viceroy proceeded with the task which he had set himself. The country was impatient for self-government but there could no longer be any doubt that Lord Reading was determined to secure fair play for the Montagu-Chelmsford Reforms. Men had at last come to understand that the Viceroy would not allow anything to stand in the way of law and order. Lord Reading had made it clear that violence would lead to the gaols and moderation to concessions. He had not hesitated to suspend the constitution in Bengal and the awe with which the educated Indian normally regards the great lawyer now hardened into firm respect. Swaraj was by no means dead, but non-co-operation had ceased to be a vital force. British prestige was still high in India and Lord Reading now turned his attention to the task which had never been far from his thoughts from the day he landed in India. Early in 1923 the Viceroy welcomed Sir Basil Blackett, who had had great experience of finance during the War both in England and the United States. The two men set to work with the mutual understanding of old acquaintance, for Sir Basil had served with Lord Reading on each of the latter's visits to the United States. The Viceroy threw himself into currency and exchange problems with all the zest of a father playing with his son's toy. He was never happier than when he found himself in

the society of business men in Calcutta or Bombay. Here was born again the man who had broken down the prejudices of hard-headed and suspicious Americans, and had been equally at ease in cramped depots and at the White House. His zeal and enthusiasm provided a wonderfully favourable background for Sir Basil Blackett's brilliant constructive talents. Both men had the advantage of a practical and theoretical knowledge of the problems before them and the combination proved successful from the first. The Viceroy advocated a reduction in expenditure and a Retrenchment Committee at once took shape. The next three years saw a steady advance in agricultural prosperity. A series of good harvests lowered prices and gave a tremendous stimulus to the efforts of the economists. But the difficulties were still considerable. Sir Basil Blackett proposed the doubling of the traditionally unpopular salt tax in his first budget and at once met with powerful opposition. But the Viceroy was a practical man and understood that an unpalatable potion is not infrequently beneficial. He realized that Blackett needed his support and did not hesitate to "certify" the Bill over the heads of a hostile Legislature. Equally courageous was his repeal of the Excise duty on cotton goods. Blackett had determined to stabilize finance but the Viceroy was looking further afield. He had begun his administration at a time when there were hundreds of strikes. Lord Reading had determined to investigate labour conditions at first hand. The result had made him vow to support every attempt at improvement. In 1922 a Factory Act was passed which provided for a sixty-hour week and raised the minimum age of child workers to 12. The following year a Mines Act provided for a weekly day of rest. Most gratifying to the Viceroy was, however, the favourable reception which India accorded to her first Workmen's Compensation Act.

By the end of the year 1924 the Viceroy could have

looked about him with justifiable pride. Housing conditions had improved enormously in the large labour centres and agricultural technique was developing apace. The Budget deficit had been transformed into a surplus, and financial stability had at last become something more than a pious ideal. The political situation was also less gloomy. The Viceroy's spirit had even permeated the camp of his opponents. Gandhi himself announced a programme of social reform, while during that summer a section of the Swarajists actually voted with the Government upon a tariff issue!

Lord Reading had, meanwhile, consolidated the esteem in which he was held by the ruling princes. In 1923 he had found time to respond to a few of the innumerable invitations which had showered upon him after his first visit. His geniality and easy charm again made him a delightful guest, while his wit reduced more than one princely table to helpless laughter. Speaking at Patiala after a magnificent repast, he declared gravely: "I wish that besides shooting I could join in the other sports for which Patiala is famous, but when one passes the age of three score years one has to be careful, as the saying goes, of one's Ps and Qs, and the Ps in this case represent for me polo and pigsticking." But though Lord Reading could, and did, unbend, he never lost sight of the dignity of his position. His smile was infectious but his laughter never boomed into the ante-chamber.

Nor did he permit the princes to forget that he was the representative of the King-Emperor when the circumstances so demanded. During his first year of office, a serious dispute arose between the States of Patiala and Nabha. The King's peace was threatened and Lord Reading ordered an investigation. It became apparent that the ruler of Nabha had countenanced terrible injustice and oppression. Political prisoners were languishing in gaol as a result of fabricated evidence and the situation on the

borders of the two States had approached that of open hostility.

The evidence was so obviously against him that the Maharajah of Nabha pleaded for mercy before the Court had recorded its findings. The Viceroy and the Secretary of State discussed the matter briefly and the Maharajah abdicated. Some time later it was being said that the Maharajah would return. Lord Reading's dry comment left little doubt as to the finality of his decision. "I am told that rumours are being circulated of His Highness's restoration in a short period or in a few years. It is well that there should be no illusions in this respect. His Highness has ceased for all time to rule in Nabha. In due course his son will succeed to the gadi. Meanwhile, the affairs of the State will be restored to order and justice will again prevail."

But there were times when the Viceroy's gay smile concealed a sorely troubled spirit, when the chatelaine of the Viceregal Lodge alone sensed her husband's anxiety for India. Lord Reading's debt to his wife was incalculable and he paid tribute to it on innumerable public occasions. The woman who had sat with her husband in a tiny flat praying for a brief still knew how to cheer him in anxiety. She embodied all the warmth and generosity of the Jewish mother. Her son was thousands of miles away, already successful in his profession and happily married.

Lady Reading turned to India and lavished her affection on the women and babies of the gutter. She who refused to be dominated by ill health understood suffering and gave herself gladly. The family instinct which is so powerful an element in Jewish life could not be resisted. Lady Reading brought to her philanthropic work the kindly imagination of a zealot, a fact which was not lost upon the women and children who were her special care.

In June, 1923, the people of India gave tangible expression to their gratitude by naming a new Simla hospital after her. Lady Reading had previously inaugurated the Women of India Fund and it was largely due to her enterprise and generosity that the hospital had come into being. A healthy and spacious site had been taken at Bairdville and arrangements were made to provide about 60 beds with up-to-date equipment and an efficient staff.

To the Viceroy the new prosperity suggested that the time was ripe for planning ahead. He therefore recommended that a Committee should be appointed to inquire into the Nationalist plea for the abolition of diarchy. The Commission which was held under the presidency of Sir Alexander Muddiman issued a majority report which defended diarchy as a valuable step towards responsible government. The Nationalist minority, however, still clamoured for self-government and Lord Reading decided to take action. Birkenhead was now Secretary of State and he carefully examined the Viceroy's constant demands for some official statement on the situation. In the summer of 1925 Lord Reading accepted an invitation to return to England for personal discussion, and in so doing established a precedent.

Lord and Lady Reading set out for England in good spirits. The Viceroy was in excellent health, having recently returned from a short holiday in Rewa where he had shot three tigers during an expedition. Blackett's third Budget promised to show a large surplus and the Viceroy's insight into Oriental psychology assured him that whatever the result of his conversations with the Secretary of State, he was fortunate in not having to return to a bankrupt Treasury. Lord Reading's cheerfulness was soon dispelled, however, by the news of the death of his brother Godfrey which he received *en route*. In London he was cheered by the vital presence of his old friend "F.E." who had retained his faculty for vigorous

thought and pungent statement. The two men spent many hours together upon the formula for which all India was waiting. Upon his return the Viceroy announced that the Government would be anxious to co-operate with the Swarajists provided that the latter were ready to show fair play to the existing system—"The door was not closed."

On August 20, 1925, Lord Reading opened the new Session with a speech which struck a deep personal note and silenced even the obstructionists. The scene in the Chamber was picturesque, but for the close observer it provided a remarkable study in miniature of the state of Indian politics. Officials in uniforms mingled with Indian Liberal members in gay artistic turbans. In sharp contrast were the Swarajists, taciturn and tight-lipped, wearing "Khaddar" or home-spun cloth. The Viceroy rose to his feet with a grace and dignity which made the crowded galleries discredit the story that he had once been a ship's boy.

The speech itself certainly lost nothing by the simplicity of its language. "The natural term of my period of office is rapidly approaching," said the Viceroy, "and my future opportunities of addressing you must necessarily be few. I have spoken to you to-day from the conviction of my heart—I trust without rousing a tinge of bitterness or animosity. I have expressed to you the thoughts of one who, whatever mistakes or errors he may have committed, has a warm affection for India, and a deep devotion to her interests. For these reasons I have been more desirous of carrying you along the only avenue which in my judgment can lead to the promised land, to the proud heights of India's destination. It is my earnest prayer that India, with the co-operation of all of us, of every race, community and interest that wish her well may avoid the pitfalls that beset her path and win through to the goal to which her face is set." There was an

impressive silence as the Viceroy concluded his speech. Then suddenly the Chamber echoed with thunderous cheering. The Viceroy had spoken with such obvious sincerity that the Swarajists refrained from making the demonstration which they had planned. They sat in their places grimly silent and staring gloomily at their cheering opponents.

In the autumn, the Viceroy again demonstrated his firmness and respect for justice by forcing the Maharajah of Indore to abdicate. Some of the latter's henchmen had committed terrible crimes and all the circumstances pointed to the guilt of the Prince. The Viceroy acted with the decision which had characterized his attitude towards the Maharajah of Nabha. He ordered the Maharajah to abdicate as an alternative to trial by his peers for murder.

Meanwhile, the Viceroy continued to think ahead of his term of office. It was Lord Reading who advised the appointment of a Royal Commission to inquire into the conditions of Indian agriculture, a timely measure which resulted in a great improvement in agricultural technique. To him is also due the credit for having encouraged the Lee Commission, thereby assuaging the discontent of the Civil Servants and preparing the ground for the Indianization of the Service.

But Lord Reading's term of office was drawing to a close and India was already feeling the pain of impending separation. Many there were in Delhi and Whitehall who wished that the Viceroyalty could have been renewed for a further five years. For although Lord Reading was leaving a calmer and more prosperous India, the country was still faced with acute problems. The general average of Indian production and the standard of rural welfare were still very low. Friction had revived in South Africa and the Indian extremists were busy. The Swarajists were again rising and had passed a new resolution in favour

of mass civil disobedience. But few could deny that Lord Reading had strengthened Britain's moral claims to Indian support. "Peace reigns in our borders," said Lord Reading in his valedictory speech. "Internal disturbances have been set at rest, law and order have been vindicated and established; the financial situation has been stabilized, with beneficial reactions in the nation-building activities of the reformed Constitution. Conditions have been created which give a fair prospect to the development of India's resources, and the anxieties of Indian Moslem opinion have been allayed." And with these words Lord Reading prepared to take his leave.

The Viceroy's departure was regretted by a host of friends and not a few opponents. Many who had at first questioned the Viceroy's sincerity were convinced that India was losing a true friend. Nor were Lady Reading's qualities forgotten in the hour of parting. It was gratefully recalled that she had always visited hospitals first on the Viceregal tours. No distinction between Europeans and Indians had been made at the Viceregal Lodge and everyone paid tribute to the graciousness and business acuteness of the Vicereine. Lady Reading had been awarded the Kaiser-i-Hind medal for her public services but the grateful women of India felt impelled to show their appreciation in a more personal form. A few days before her departure, Lady Reading received a deputation of Indian ladies who presented her with an address and a beautiful string of pearls.

Early in April, 1926, Lord and Lady Reading sailed for England from Bombay. Their departure was marked by an incident which is perhaps worthy of record. The large and distinguished crowd which had come to wish them God-speed were surprised to see a large motor-car with curtained windows draw up between the gateway and the sea wall. This car contained the Maharani of Bharatpur who, remaining in *purdah*, was soon joined by

Lady Reading. When the latter left the car she was wearing a golden garland and carried another for her husband. As Lady Reading waved graciously to the cheering crowd it was noticed that she was crying happily.

The retiring Viceroy remained unmoved. He had completed a difficult task, and was ready to hand on the baton to one well qualified to receive it. His magnificent constitution had easily withstood the tremendous demands upon it and Destiny might still have great adventures in store for him. Only one anxiety disturbed his calm confidence in the future. Lady Reading's health was still poor, and none knew better than he how much she had suffered during the last five years.

Meanwhile, Britain was impatiently awaiting the return of her triumphant proconsul. At Dover they were met by Lord and Lady Erleigh, for Lord Reading's son had united two great Jewish families by marrying a daughter of Lord Melchett. Victoria was thronged with enormous crowds who cheered wildly as Lord and Lady Reading made their way to the royal waiting-room. Here Lady Reading was presented with a garland of flowers which was placed over her shoulders. Lord Reading was, of course, besieged by reporters who clamoured for a statement. "It is the end of five great years for me," he said quietly. "If it has been of any use I am very delighted." And with these simple words Rufus Isaacs tied up his greatest brief.

CHAPTER XI

BUSY RETREAT

THE terrible outbreak of religious fanaticism which synchronized with the arrival of the new Viceroy was a painful commentary on the tasks still before the India Office. But England could not forget the services which Lord Reading had rendered at a time of special difficulty. A day or two after his return the King conferred a Marquisate upon him and that night the Marquess and Marchioness of Reading dined with their Majesties at Windsor. The British public received the news with enormous satisfaction. Here was Whittington being re-enacted in glowing colours in the twentieth century. For Rufus Isaacs who, unknown and desperate, had once sat at the students' table in the Middle Temple Hall now broke bread with his Sovereign. But nowhere was the returning proconsul more esteemed than in the City of London to which he was bound by his early associations and training. Much of what had stood him in good stead later had been learned amongst business men, and each advancing step in Rufus Isaacs's career had been watched with pride and satisfaction by the city. On June 8, 1926, the City of London paid tribute to Lord Reading by conferring its honoured freedom upon him. The distinguished company which gathered at the Guildhall that day included Sir Edward Clarke, T. P. O'Connor, the Aga Khan, Mr. Lloyd George, Lord Oxford and Asquith, Sir John Simon and the Bishop of London. The speeches need not be enumerated here. No speaker confined himself to the usual hackneyed epithets, for all appreciated the exceptional

nature of Lord Reading's services and paid affectionate tribute to his personal qualities. Lord Oxford made a particularly delightful contribution: "I have always looked upon him and shall continue to do so as the eternal stripling," he said. "He is a man of inexhaustible and of insatiable vitality, and I cannot permit it even as a hypothesis that he has come to the end of his public services."

The Guildhall reception was to be the prelude to an extraordinary series of laudatory junketings. One of the most cheerful of these occasions was the dinner given to Lord Reading by the Pilgrims at the Hotel Victoria. His old friend "F. E." presided and paid eloquent tribute to the guest of honour. "Lord Reading's name," he said, "will rank high in history in the long and distinguished roll of Viceroy's, and great Governors-General." Rufus himself was cheerfully reminiscent. Referring to his first glimpse of Calcutta from the capstan head, he said, "You may be surprised to hear that the then Viceroy utterly failed to recognize in me on the forecastle head that successor to him in years to come, and I never even received an invitation to a garden party!" A few weeks later Oxford University, following the example of Cambridge, Harvard, Yale, Princeton and Toronto, conferred an honorary degree upon him. The Chancellor welcomed him in words which will be echoed for many years: "*Vir acutissime, et in foro et in regalibus consiliis eximie, Indorum Rector acquissime.*"

But his warmest welcome came, not unnaturally, from his own people. To the Jewish community Lord Reading was much more than a triumphant proconsul. He was a living refutation of the calumnies which surround the Jews. He had brought honour to the Jewish name and had proved the Jew's capacity for fine citizenship. And for this service Jewry throughout the world could not be too grateful.

Lord Reading understood and appreciated his prestige in the eyes of his people. In January, 1927, he was the guest of honour given by the Maccabeans. His remarks on that occasion clearly illustrated his attitude: "Nothing that you have said pleases me more than your observation that you thought perhaps that I had been the means of reflecting some little credit upon the Community to which I belong. I naturally rejoice that that should be your thought. It is to me an especial pleasure to think that I may have assisted, in however small a way, Jews in England and elsewhere to realize that a career is open to them just as it is to members of any other religion in this country, and that the mere fact of having sprung from this community will not stand in the way if a man is thought fit to occupy any high place." He had always proclaimed his pride of race. But public work had to some extent removed him from the Community. Now that he was in a position to command more leisure Lord Reading threw himself wholeheartedly into Jewish communal life. Within a few months of his return to England, he was constantly to be found at Jewish charity dinners at which his persuasiveness was often turned to good account. Here also he frequently found himself side by side with his old friend Mr. Lloyd George, whose warm admiration for the Jewish people is proverbial.

But if Lord Reading was ever prepared to make dignified affirmation of his race, he was by no means inclined to adopt strict Jewish ritualism. He had no veneration for the traditional Jewish practices, and on more than one occasion shocked orthodox Jewish opinion. Unlike so many parents Lord Reading did not attempt to enforce upon his son doctrines which he did not himself respect. He therefore remained quite calm when Lord Erleigh married in church—and on the Jewish Sabbath—a lady who had been brought up as a non-Jewess. In October, 1928, orthodox Jewry received a further blow when

Lord Reading presided at the Fuel Conference on Yom Kippur, the Day of Atonement, which is sacred to the vast majority of the Jews. The truth of the matter was, however, that Lord Reading was a Liberal both in religion and politics, and remained so to the day of his death.

Philanthropy could not of course exhaust the energies of a man of his temperament. He was in his sixty-seventh year when he returned from India. An honoured retirement opened itself before him—a house in Curzon Street, a country residence, watering places, grandchildren. . . . But the "eternal stripling" could not take kindly to the prospect of sitting by the fireside writing a volume or two of reminiscences. He had been diplomat, lawyer and politician. He now decided to return to his first love—the City.

Lord Reading's talents did not long go begging. His name alone would have lent lustre to any commercial undertaking but his wide experience and intimate knowledge of financial matters made him a truly useful recruit. When Imperial Chemical Industries, Ltd. was formed in 1926 with an authorized capital of £95,000,000, the ruling spirit, Lord Melchett, declared that he wanted "men like Reading around him." Lord Reading accepted a Directorship in the tremendous concern of which he became president on Lord Melchett's death in 1931.

Meanwhile he had affirmed his allegiance to the Liberal faith, pledging himself to bring about "genuine unity and goodwill among the Liberals without which Liberalism can never be an effective force within our generation." Towards the end of 1926 he accepted the Chairmanship of United Newspapers Ltd., the publishers of a group of important Liberal journals. A few weeks later he was appointed Chairman of the Board of the Palestine Electric Corporation. He had from the first been deeply interested in the upbuilding of the Jewish National Home, but for

reasons of State had always declined to take an official part in the Zionist Movement. His interest in Palestine was, however, by no means purely financial. Whenever the subject of Palestine came up in the House of Lords, Lord Reading was always ready to lend his talents and prestige to the cause of his people. When the Labour Party's White Paper Policy burst upon the Jews it was Lord Reading's calm voice which was heard above the noisy tumult of the propagandists. "I desire to point out," he said in the House of Lords, "that it is not merely a question as between Jews and Arabs; British honour is at stake."

But it was not Jewish problems alone which engaged his attention. Lord Reading took a leading part in non-Jewish philanthropic work and became Chairman of the Grand Council of the British Empire Cancer Campaign. He also occupied a prominent place on the Committee of the University of Reading which was seeking funds for extensions in 1929. India had also continued to claim his interest and goodwill. In October, 1930, he was deeply gratified to learn that he would represent the Liberal Party at the Round Table Conference. His speech at the Conference clearly showed India that he was still her true and understanding friend. Lord Reading opened his address with a hint as to the changed relationship between the two countries. "Hitherto," he said, "the process has never been adopted of a Round Table Conference to discuss the propositions before the Government, but very often—it may be too often, as I have sometimes thought—in the past decisions were formulated and invitations then issued to change them if possible. I think it gives India a fairer chance when she can put her case before the Government has come to conclusions, instead of having to argue against something already determined." His words took on a note of soaring optimism as he spoke of the scheme of All-India Federation—"Think

of all that is open to us if now we proceed together to form a Government for all India, a United States of India, as it has been termed, which will in truth be the greatest conception of Federation that the world has yet seen. . . . I speak here to-day on behalf of the Liberal section of Parliament, but I speak also on behalf of myself, and you will permit me to say on my own behalf that I have a profound interest in Indian affairs. I can never forget all that happened in India; I shall always recall it and always have an abiding affection for India and the memories it has left me.

"Though I speak for the Liberal section, and have no right to speak for any other, I hope that when any one of us belonging to any one of the three sections of Parliament speaks in connection with India we shall always speak as one Parliament and not as members of different sections of Parliament."

But the joy of useful activity was marred by Lady Reading's ill health. In August, 1929, she was seriously ill and Rufus saw his beloved partner sink slowly into the grave. Lady Reading's death in January, 1930, was a terrible blow to her husband. The laurel had suddenly faded. She, who had been a true helpmate from his early days at the Bar, was taken from him in the quiet evening of his life. Lord Reading's magnificent constitution was sapped by his sorrow. He was in bad health for the next few months and after the strain of the Round Table Conference succumbed to an attack of influenza. Having recovered from this illness he joined Lord Inchcape for a cruise in the latter's yacht. "Within a few days of his return he was back in harness again. He was now chairman of two Corporations and a director of three insurance companies. Nor were these appointments prompted merely by a desire to include his illustrious name on the roll of directors. Lord Reading's financial sagacity and breadth of vision were time and again called

into service during the anxious days of the financial crisis.

In August, 1931, the country once more called upon him in emergency. The Labour Government had fallen and Lord Reading was invited to become Secretary of State for Foreign Affairs in the National Cabinet of Ten. The appointment was obviously to be of a temporary character but the responsibility was by no means small. The Cabinet was faced with the emergency task of passing a Supplementary Budget and restoring confidence in British credit. It was to consist of elder statesmen who had already known responsibility at a time of crisis. There was no question of initiating dramatic changes in our foreign policy but the situation called for a steady hand and a reserve of watchful patience. The new Foreign Secretary would be faced with the responsibility of furthering the agreed national policy and of controlling the reactions on international opinion of our internal affairs. Such a man had necessarily to be a statesman with considerable financial talent. Lord Reading's name naturally leapt to the eye in these circumstances and the country welcomed his acceptance of office with relief.

Lord Reading undertook his new post with his old self-confidence. He was no longer alone. A few days before his appointment he had married Miss Stella Charnaud, a daughter of the late Mr. Charles Charnaud, who represented Great Britain on the International Public Debt Organization in Turkey. The bride had been Lady Reading's private secretary in India, and on Lord Reading's return she became his chief of staff in all his political and business interests. She had also taken an active and valuable part in Lord Reading's work in connection with the Round Table Conference.

Lord Reading's marriage to a Gentile inevitably wounded Orthodox Jewry, but so great was the regard in which he was held that not a soul in Israel but wished

him happiness. It is pleasant to record that within a very short time Lady Reading had won many new friends by her sympathetic interest in Jewish affairs.

Meanwhile, Rufus was tackling his brief with all the old zest. Apart from his duties as a member of the British Delegation to the Round Table Conference he was playing his part at Geneva in the cause of international co-operation. In the House of Lords, too, he was rendering good service to the country. On September 8, 1931, he spoke with unusual warmth on the subject of national unity: "It has been urged on the Government quite recently by one of those outside bodies which seem to exercise so much control on political activities, although they form no part of either the House of Commons or the House of Lords, that what should have happened was a general election. They make the criticism of this Government that it has no mandate from this country. Mandate! when a house is on fire! It is like asking us to call a meeting a week ahead to discuss what we should do if another occurred. Of course, at that moment, action is necessary; swift, decisive, effective action has to be taken."

But the interlude was soon over, for after the abandonment of the Gold Standard an immediate dissolution became necessary. Lord Reading at once offered to make way for younger men, although he realized regretfully that he was separating himself from a post which appealed to all his instincts. When the second National Government was, however, formed without him, he accepted the situation philosophically and began to seek new adventures. A week or two later he and Lady Reading set out for a tour of Palestine and Egypt. They were thrilled and delighted by the gigantic strides which the Zionists were making in the Holy Land. Wherever they went Lord and Lady Reading were greeted by large crowds of cheering people. Tel-Aviv welcomed them with roars of delighted recognition, for Lord Reading's renown had penetrated

to every Jewish home in the world. At Haifa he delivered the Commemoration address on the first anniversary of Lord Melchett's death, and paid high tribute to his great fellow-Jew—"But for Lord Melchett's inspiration I should not have done a tenth part of what I have done for Palestine." Onward through the sacred country where thousands of hands were eagerly sowing future treasure. In the Valley of Jezreel Lord and Lady Reading paused, and each planted a pine in the Balfour forest. Truly, much had taken place since the day Mr. Balfour had gently criticized the young lawyer's maiden speech! After a peaceful week-end at the villa of the late Lord Melchett, Lord and Lady Reading sailed for Egypt.

At Luxor Lord Reading was taken seriously ill with acute bronchitis. His constitution again pulled him through, and in the spring he was back in Curzon Street, seemingly none the worse. Lord Reading was soon in the thick of his varied financial and political activities. He was in constant demand as a public speaker and his experience and anxiety to keep abreast of the times gave his views considerable weight. Within a week or two of his return he received a welcome reminder of his stirring days in India. Sir Basil Blackett was standing for Marylebone in a by-election and Rufus at once sent him a friendly letter of support. "My dear Blackett," he wrote, "I am convinced that your very special knowledge and experience of public, financial and economic questions, both national and international, will in these critical times prove of real service to the House of Commons and the country. It is therefore my earnest hope that you will be elected member for Marylebone and will thus have the opportunity of contributing to the solution of the difficult and complicated problems before the nation. Yours very sincerely, READING."

In October, 1932, Lord and Lady Reading again packed their cabin trunks. Rufus always had a warm place in

his heart for America and could not resist the opportunity for a flying visit. At Washington he revived many old friendships, and represented the English Bar at the laying of the foundation-stone of the new Supreme Court. From Washington to Ottawa was but a stone's throw to Lord Reading, who felt refreshed and invigorated by the change of scene. In Canada they were the guests of the Governor General, Lord Bessborough, and Lord Reading took the opportunity to emphasize the importance of the Ottawa Conference Agreement.

The following month found him back in London, busily at work again as a delegate to the Round Table Conference. As Liberal Leader of the House of Lords he continued to make the sane and unsentimental speeches which had become associated with him. While advocating disarmament, for instance, he was careful to warn the country of practical limitations. "I find it difficult to believe," he declared, "that however we may reduce a military air force we should be sure that a civil air force could not be so adapted that it could be used in time of war for the very purpose which had led to the abolition of the military air force."

By the spring of 1933, Lord Reading was becoming increasingly anxious regarding the situation of the Jews in Germany. Hitler's rubber truncheons were beating down the very foundations of religious liberty. The Jew was finding life impossible in the "Aryan" state, with its emotional hooliganism and clicking of heels. With no means of redress except such as Geneva might ultimately provide, the Jews of Germany turned more and more to their brethren in other countries. In England, Lord Reading lent his prestige and his purse in defence of Hitler's victims. In 1929, he had promoted the Anglo-German Association in order to further the understanding and sympathy between the two countries. Four years later he resigned from the Presidency of the Society as a protest

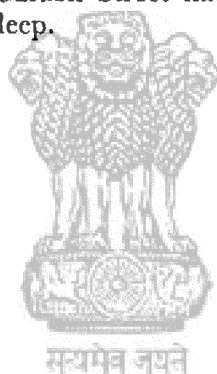
against the Nazi anti-Jewish atrocities. But Lord Reading was too practical to be satisfied with such a gesture. One day a slight observation in the House of Lords gave him an opportunity to make a dignified and momentous appeal for his suffering fellow Jews. "I did not know," began Lord Reading, "that the question of the treatment of the Jews in Germany was to be raised, but as it has been I, as a member of the Jewish Community and a member of your Lordships' House, find it impossible to sit still without appealing to the Government to do what they can—and I recognize the difficulties of the situation—at least to represent the views of the large majority of this country on the matter, to use no stronger expression. . . . My sole desire in intervening was to press upon your Lordships, in my capacity as a Member of the House, some of the difficulties which are confronting the Jewish community in Germany in relation to the boycott of the professional classes. Usually the attack on the Jews in the long past was in relation to speculation or finance. The present attack is upon University professors, Judges, lawyers, and members of the medical profession solely because they are members of the Jewish community. This is not a question of controversy at all. It has been formally announced as a measure to be put into operation by the German Government. I realize that his Majesty's Government is in a very difficult situation in dealing with this matter. But I do believe it is open to us to use such legitimate means as is in our power to let Germany know what is felt by the British people. I leave it entirely, as I must, to the judgment and discretion of the Government." Lord Reading's great record ensured him a respectful hearing at all times, but the sincerity and quiet dignity of his appeal on this occasion carried the House. And the cheering which marked the conclusion of his speech left him in no doubt as to the attitude of his countrymen.

That year was full of activity for Lord Reading, for

he was appointed a member of the Joint Select Committee which was to formulate the principles underlying the Government of India Act, 1935. Throughout the protracted sittings he exercised a great constructive influence and offered his experience and specialized knowledge to the Committee. Meanwhile, he threw all his powerful talents into the struggle with the ignorance and prejudice which surround Indian problems. When the Bill finally reached the House of Lords, Rufus was suffering from a throat affection, but this did not prevent him from attempting a vigorous, if inaudible, defence of the Government proposals.

But the din of battle had almost died away. Early in 1934 Lord Reading was ushered into the graceful semi-retirement which he had so long resisted. In January it was announced that he would succeed Earl Beauchamp as Lord Warden of the Cinque Ports. It was an appointment which was peculiarly fitting in the circumstances, for Lord Reading had always possessed that same spirit of romance and adventure which had animated the men who in the past had set out from the Cinque Ports. The installation ceremony on a bright June day was an appropriate curtain to a picturesque career. Lord Reading, who wore the brilliant uniform of Lord Warden and Admiral of the Cinque Ports, was received in the old Norman keep of Dover Castle by all the municipal officials in their robes of office. After the Archbishop of Canterbury had delivered an address a procession was formed and the company proceeded to Dover College. The beflagged route was lined with thousands of troops who kept back the wildly cheering crowds. Mr. Ramsay MacDonald, who was then Prime Minister, had deferred a much-needed holiday in order to attend the ceremony and pay tribute to Lord Reading. Thus, in the evening of his life, the former ship's boy was entrusted with the guardianship of his country's ports.

But the end was approaching swiftly. Within a few months Rufus was fighting a grim and losing battle. In September, 1935, an attack of cardiac asthma seemed likely to prove fatal. Oxygen was administered and he lay between life and death at his country home, Walmer Castle. But he rallied magnificently and fought back. A day or two before Christmas, however, he caught a chill and sank steadily. On Monday morning, December 30th, it was evident that his end was near. Throughout the day, Lady Reading and his son remained at his bedside. And the lamps in Curzon Street had just been lit when Rufus Isaacs fell asleep.



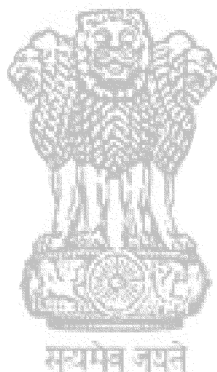
CONCLUSION

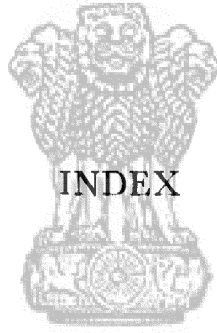
RUFUS ISAACS was a diplomat no less in the Courts than at Washington and Delhi. That is perhaps the clue to his whole career. His errors were never those of a man who had dared too much. He was an adapter of genius, but not an innovator, and it was both his strength and his weakness to be able to see both sides of a question. He could never have inspired an army on the eve of battle, but he would have been valuable at any staff headquarters. Although men liked him instinctively and trusted him at once, he lacked the intensity needed to cast a spell over his audiences. In an undemocratic age he might, apart from racial difficulties, have risen to great political heights. But in an age of catchwords, caricature and generous suffrage Rufus Isaacs could not command popular support. Temperamentally and intellectually, in fact, his talents were more suited to the conference table than to the assembly hall.

And what of posterity? An advocate writes his name in the sand. His stories go the rounds of the Temple until they are forgotten or attributed to someone else. Rufus Isaacs may, perhaps, live in history on account of his work in India. All speculation must, however, be qualified by the reflection that Empire preservers have not the history-book appeal of Empire builders.

But there can be no doubt that Rufus Isaacs will long haunt the rafters of old synagogues. He made history by being the first Jew to hold the proud offices of Attorney-General, Lord Chief Justice of England, Viceroy of India, British Ambassador and Secretary of State for

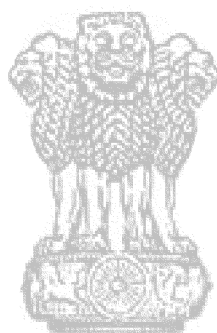
Foreign Affairs. One is nevertheless tempted to suggest that it is for what he stood as much as for what he did that Rufus Isaacs will be remembered. He showed the world that racial pride is not incompatible with the finest national patriotism. To the Jews his record was a magnificent example and inspiration. He gave strength to the weak-kneed and reminded them that a dignified pride of race will not bar a man from the highest places in English public life. It is safe to predict that his name will long remain a crutch to the Wandering Jew.





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