ARTHUR COHEN.

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A MEMOIR

BY

HIS DAUGHTER

FOR

HIS DESCENDANTS

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INTRODUCTION.

IN attempting to write a short account or my father, I am impelled by the wish that his descendants should have some impression of a very remarkable man. The task is a difficult one, because the outward conditions of his life were in no way exciting; he was, moreover, a man who was not given to enlarge on his experiences outward or inward, past or present, and naturally the time when these would have been most vivid was before I could appreciate them; and later on, he seldom discoursed to me on the obscure topics that were engrossing him—law, mathematics, philosophy—and not even much on politics.

My mother, who, when he embarked on his political career, would often talk of writing his life, was always the chief recipient of his ideas and aspirations, and would no doubt have been able to give many more characteristic anecdotes of him and of his surroundings, and could have traced the development of his thoughts and ideals in a way that is impossible to one belonging to a younger generation. But a yet younger generation may be interested in hearing some of the every-day details of the people from whom they are descended, as well as the manners of a past time, for it is already ninety years since my father was born.

INTRODUCTION.

I have always been a lover of memoirs, and even in the most uneventful have found a satisfaction in coming across the name of some one I have known or heard about, like meeting an acquaintance in a crowd ; and therefore it seems to me that a memoir, however imperfectly written, of a man who was great in character and of repute among the men of his own generation cannot fail to interest some of his grandchildren and *their* children.

I have tried to gather together not only recollections of my father from his relations and friends, but also the opinion of him expressed by some of the men with whom he worked, and where I could I have let him speak for himself, either in his letters or in the quotations which he collected from his favourite authors.

The result is a series of impressions and recollections written down just as they occurred to me, and not an ordered biography ; and it will not be satisfactory to those who wish to obtain a real insight into his work, the reason of his great reputation as a lawyer, or the progress of his political and philosophical opinions.

All I can hope is to give some picture of him as he appeared to his children and to those about him, with a faint background of the people among whom he moved, and of the chief events of his long life.

LUCY COHEN.

Arthur Cohen.

CHAPTER I.

MY father was born on November 18th, 1829, at Wyndham Place, London. Three reminiscences of his may serve to remind one how far back his boyhood reached. The first was that of his being taken by his mother to see Rachel act ; he could well recall her small, insignificant figure, but as the play proceeded, the magnificence of her eyes and presence. Another was that of an execution which his brother went to see, but to which he refused to go, saying that 'it was a disgusting spectacle.' And the last was his familiarity with the figure of the old Duke of Wellington, whom he used to see riding down Piccadilly, and whose funeral procession he also saw.

It could be said that the best blood of Anglo-Jewry was blended in him, that of the Askenazim and Sephardim : his father, Benjamim Cohen, being a member of the great synagogue in Duke's Place ; while his mother, Justina Montefiore, and her ancestors worshipped near by in the ancient synagogue of the Spanish and Portuguese Jews in Bevis Marks.

His grandfather, Levy Barent Cohen (1740–1808), came to London from Amsterdam some time previous to 1778, when we find him settled as a merchant of standing. In fact, the founder of the London branch of the Rothschild family came to London with an introduction to him and eventually married his daughter.

Amersfoort, in Holland, was the home of the Cohen family, where they played an important part both in

the affairs of the town and of their community. There still stand two houses which are known to have belonged to two of their ancestors, one of which is now the Town Hall. In the other house one of them entertained the then Prince of Orange, and later sheltered him when hiding from his enemies; the Prince gave him his portrait and a silver inkstand, which were afterwards presented to the town of Amersfoort, and they can now be seen in the Town Hall there.

Levy Barent Cohen was twice married. The well-known Communal workers Lionel, Alfred, Benjamin, and Nathaniel were descended from his first wife. My father was his grandson by his second wife, Lydia, who had four sons and five daughters. The eldest son, Benjamin, was my father's father (1789-1867), and his mother was Justina Montefiore (1800-1873); she was the youngest daughter of Joseph Elias Montefiore, and of Rachel, daughter of Abraham Mocatta. The Montefiores were an Italian family who settled in London in 1758. The Mocattas were one of the earliest Jewish families living in England after the re-establishment of the Jews by Cromwell in 1653. It is possible that my father's courtly manners may have come from his Spanish, Portuguese, and Italian forbears on his mother's side.

Benjamin Cohen, his father, was a bill-broker of some repute, and had close business connections with the Rothschild firm, though he was not a member of it. He was not a brilliant man in any way, but a man of strict integrity and much respected in the City. I should doubt his having ever studied or read much. The books which we inherited from him are books which no gentleman's library should be without, and which not so very many of their owners read. But all that came to us from those grandparents was of a good solid character, and although not in any way artistic, bears the stamp of quality. My grandfather's wine

LEVY BARENT COHEN

was celebrated, and my father would enjoy giving his friends 1848 port that had come to him from his father. My grandfather had also a fine collection of snuff-boxes and medals. He bought Asgyll House on the bank of the river at Richmond, where his sons came down for the week-ends, and here he lived till his death. At Asgyll my grandparents gave delightful garden-parties before they were as much the fashion as they now are. I have been told that the old Duke of Sussex, Queen Victoria's uncle, used to dine at Asgyll, and that my grandmother could have known all the county people, but that with a mixture of pride and shyness, which descended to the next generation, she had held herself aloof rather than risk a snub from some one of anti-Jewish prejudice.

You can see the house as you travel by train to Richmond on the London and South-Western Railway; it is on the left-hand side of the railway just before you cross the bridge over the river, and it is easily recognised by the two stone stags, copied from the family crest, which surmount the gate posts. Lady Mathew, widow of the Lord Justice, who spent the happy years of her early married life at Richmond, still remembers her husband pointing out my father to her as a handsome young man, 'one of the most promising men at the Bar!'

My grandfather was a stiff, reserved man, very particular about outward appearances; almost my only remembrance concerning him is that of our mother anxiously surveying the tips of our white gloves to see that there were no holes in them to offend his punctilious eyes, before we paid an awe-struck visit to him in his drawing-room at Brighton, where he sat with one gouty leg supported on a stool; for my grandparents also had a house at Brighton, and here they could be seen daily driving in their barouche up and down the parade.

My grandmother was a handsome, lively woman, of whom many stories were told; but she, too, died when

we were still young. She also had a somewhat unbending manner with children. My mother used to tell of her astonishment when first introduced to the family on noticing that her mother-in-law did not kiss her sons on greeting them. But we rather liked going to see her, as she invariably bestowed on us fancy biscuits, which, however, had to be carried home uneaten lest we should drop crumbs on her well-swept carpet; and a sovereign neatly wrapped up in white paper used from time to time to be given to our faithful nurse.

My grandmother would hardly ever travel by train. Once, when called to her daughter's death-bed, she did so venture, and then is said to have offered the guard five guineas to have the train driven slower; when encountering the perils of the tunnels, my grandfather had to submit to violent pinches from his terrified wife. She used invariably to drive almost at a walking pace, even when she went once a year to stay with her brother, Sir Moses Montefiore, at Ramsgate, the journey taking two days each way.

My father, though never what one would call intimate with his mother, was greatly attached to her. He was proud of her sprightliness and mother-wit; he would also hold her up as a model to us for the way in which she carried herself, adding, 'My mother never sat in an easy-chair.' He would also like to recall how she would go round to the tradespeople and personally choose those heavy joints which figured at the no less heavy and well-appointed family dinners.

She shared his dislike of saying disagreeable things, and I believe would find fault with the servants by means of little notes which were left about the room for them to find.

She was considerably younger than my grandfather, and he used to humour her in many ways; in fact, she would often not take her medicine unless he bribed her by a guinea to do so. There is an amusing story that,

LYDIA COHEN.

on her recovery from an illness, her doctor tried to point out to her how much she owed to his medicine. She forthwith led him to a cupboard in which stood all his medicine bottles unopened ; that doctor never visited her again. Nevertheless, Sir William Jenner, Queen Victoria's old doctor, was devoted to her, and used to visit her twice daily in the last year of her life, and crack many a joke with her. Once when his pills did not agree with her, she had them done up in white paper and presented the packet to him as his fee, which he gravely accepted. I may add that the affection continued to the next generation, and that he was one of the few doctors who impressed my father with confidence.

My grandmother must have only opened a book, other than a household or account book, on rare occasions. Her sons and daughters-in-law would spend the evening in playing backgammon or cards with her, tolerating in amused silence her transparent, if ingenious, essays at cheating, in order that she might have the pleasure of winning the low stakes. How wearisome my mother used to find those evenings!

I have been told that my father was wonderful in never omitting to visit his mother during her illnesses, in spite of all his work. When he was abroad on a long vacation a wire came to summon him to her. At Calais such a storm was raging, that the captain hesitated about setting sail, and hardly a passenger would venture. My father often told us how he insisted on starting. He was about the only passenger on deck, rather awe-struck and yet enjoying the fury of the winds. In the first letter I have from him he writes : 'I have just received the photograph of the English party who represented Great Britain at Geneva last year. It is a group about thirteen ; my poor mother picked me out of the group and was quite pleased.' This was written in 1873, and she died on October 29th of that year.

The eldest of his family, who must have been almost as remarkable as himself, was his sister Lucy. He always retained a profound admiration for her. Although she died in her eighteenth year, each master in turn said he could teach her nothing further; and I have been told that her death was regarded almost as a public calamity by the Jewish community in London. There were two other sisters who married young: Justina, wife of Sampson Behrens, who lived in the north of England, and Anna, who married Ippolito Leonino and lived in Milan; and he had two brothers, Lionel and Nathaniel. The latter played a great part in my father's life, and between the two brothers there was close intimacy and mutual respect. They were both silent men and seemed to require their two lively wives to bring them into converse with each other; but there was evidently a mutual sympathy and content in one another's company, for they must have met when they were in London once or twice a week throughout their long lives. Except in their reserve and in their horror of in any way pushing themselves forward, they were very different. My father was the most courteous of men, hating, as I have said, to utter a disagreeable thing to any one, while my uncle was amusingly abrupt—so much so, that we were all quite accustomed to hearing ourselves addressed as 'you fool,' though probably with a charming smile that quite took away the edge of the insult. As they became older they also differed diametrically about politics, my uncle detesting Mr. Gladstone; but this made no difference to their affection, and, I think, added zest to their intercourse. On his death, in 1911, my father writes to Lady Battersea:

I thank you very much for your kind letter of condolence. You have divined a good deal of what I feel. The world seems to have changed: old friends disappear, old principles are discarded; new ideals present themselves, and old landmarks vanish, and I often feel it is time to depart. However, it is

cowardly to grumble, especially as I have much to be thankful for. My brother was very dear to me; he had some most remarkable qualities, and he was the most loyal of friends, a man of strong views, independent judgment, perfectly free from all affectation and conventionality; and his loss is to me a blank that cannot be filled up.

My father's eldest brother, Lionel, died in 1890; my father was very fond of his only child, 'Florry,' who after her first husband's death married Sir David Brynmor Jones and took an active part in Liberal politics. Her mother was a special favourite of his; about the only person left in after life to tease him, and whom he would always see if he were ill or in trouble. She too laughed at and deplored, though secretly admiring, his absolute unworldliness, and welcomed as her own each bit of good fortune that befell him. It was she who told me how he and she had sat up all night with his mother during her illness when all the rest of the family had gone to bed. He used to admire her kind heart and good spirits, two of his favourite qualities. When he was over eighty, he wrote to her, 'I pray for you every night.' His last visit was to her, and in his will he left her one of his possessions 'in token of my devoted affection.'

To return to his boyhood. In the old home, the forms of religion were rigorously adhered to, Saturdays and holidays were strictly observed, as well as all the ordinances of dietary. My father and his brother used to delight in reminding one another of one of the anniversaries of the Day of Atonement, when they were all keeping the Great Fast. The two boys grew impatient of their long abstinence 'from sunset to sunset,' and repaired to a coffee house near the Great Synagogue, in order secretly to revive themselves. What was their amusement to see their father at a table devouring a substantial mutton chop!

The life at home must have been stiff, prosperous and secure, but wanting in any elements of adventure

or idealism. Nevertheless, there were some remarkable people of his parents' generation. On his father's side there was his aunt Judith, the wife of his uncle, Sir Moses Montefiore, who was an accomplished woman of a very benevolent disposition, and was of great assistance to her husband in his philanthropic undertakings.

The eldest aunt on this side, Hannah, married Nathan Meyer Rothschild. My father used to speak of her as 'a very clever woman,' generally adding, 'but she was very proud.' One of her grandchildren says:

My grandmother, Hannah Cohen, whom I faintly remember (she died in 1851 or '52), was not a beautiful, but a distinguished looking woman. She had very brilliant blue eyes, soft dark hair, rather marked features. She held herself very uprightly and impressed people by a certain authoritative manner. She lost her husband in 1836, but until her death ruled her household and her family with a firm sceptre.

Her sons were devoted to her, and scrupulous in their attention, never letting a day pass without calling to see her, and writing to her constantly when away. When her four sons were all launched upon a strenuous life of business, she felt instinctively that their health might suffer from the heavy strain of long hours spent in the precincts of the City, unless she could induce them to take occasional days in the country and the much-needed exercise in the hunting field. So with rare foresight she purchased for them a small hunting box in the Vale of Aylesbury, in the very centre of a beautiful grass country, little thinking that she was thus inaugurating what was eventually to become the home of many members of the Rothschild family.

My uncles and father finding that fox hunting was too uncertain and dilatory an amusement for men engaged in business, started their own pack of stag-hounds—their Mondays and Thursdays soon becoming very favourite days, not only with men of business from London, but with the sportsmen of Buckinghamshire. And in time to come, when the old Baroness, as she was called, was no longer there to enjoy the accounts of her sons' days in the field, the beautiful pile of Mentmore, designed by Sir Joseph Paxton, rose in close proximity to the little cottage in the field, the first stone of the

stately fabric having been laid by the baby hand of her grandchild, 'Hannah,' who in later years became the wife of Lord Rosebery.

Many of the business qualities, so conspicuous in her sons, were an inheritance from a mother keenly alive to the calls of duty and to a life of method and order.

My grandfather's only married brother Isaac died young, leaving three daughters who were very intimate with their cousins. In fact, the youngest, Lucy, was named after my father's sister. She and her sister Louisa, both most kind, hospitable women, never married, but lived till they moved to Great Stanhope Street in Park Lane with their mother and an uncle, Mr. Samuel, who was a shrewd man of the world, and a great friend of Sir James Hudson, one of Cavour's most devoted adherents; through him Mr. Samuel collected some fine Italian pictures, which were left by his niece Lucy, who was a very artistic woman, to the National Gallery. The eldest of these sisters married her first cousin, Baron Meyer De Rothschild, and was the mother of Hannah Countess of Rosebery. Unlike her sisters, she was a most vivacious, brilliant woman; at Mentmore she entertained a circle of leading politicians and literary men, and was a friend of several statesmen of the day, and promoter of many schemes of philanthropy. It was she, for instance, who was the founder of the first school for the Deaf and Dumb in London. But all this was many years later than the period of which I write.

In those days there were far closer family ties than now among the Jews, and much less intermingling with general society. I imagine there were pretty constant gatherings of friends and relations on Saturday and Sunday evenings. But I never heard my father speak of them with any enthusiasm. The fare no doubt was excellent; and probably among these shrewd city magnates there were some interesting criticisms and forecasts of the politics and finance of

the day, interspersed with anecdotes of mutual acquaintances told with Jewish wit and animation. Many of the women were very sprightly and handsome, but I do not imagine that the conversation was inspiring to a man of my father's temperament.

The Cohens of his immediate family were not a demonstrative race; they were reserved and taciturn on most occasions, with a great strain of obstinacy, but loyal friends, and with one marked characteristic, that of never pushing themselves forward to seize an advantage. On his mother's side there was, among other sisters, a beautiful woman whom he used to describe as having the manners of a duchess. She married a very distinguished mathematician, Mr. Gompertz. Of her brother, Sir Moses Montefiore, I shall speak later.

The boys were sent at a very early age to a tutor at Frankfort—journeying by stage coach from Calais. The tutor was a certain Herr Sabel. I do not know that he was particularly clever, but he was a very worthy man. His wife was a kindly Hausfrau; and here the boys, freed from the somewhat restricted life at home, were extremely happy. All three, of absolutely different temperaments, retained a strong feeling for Herr Sabel and their life at Frankfort. And all three used, even after their marriage, to return to the old town, and never failed to spend many an hour with the Sabels, when Frau Sabel would regale them with *sauer kraut*, potato salads full of onions, and wondrous German *kuchen*, whose ginger and cinnamon brought back many boyish reminiscences.

My father used to attend the Gymnasium, and would often say, 'I really think that was the time at which I was cleverest.' He told us how when he was twelve or thirteen, he was travelling alone, and a gentleman got into the railway carriage, and asked him what book was absorbing his attention so completely. The book was Newton's Principia; so that

the taste which in Who's Who we put down as his chief recreation, began early in life.

Another anecdote of him in Germany was a favourite one with us as children, and showed his courtesy and kindness : at the railway station, he saw a lady weeping and bemoaning that her pet dog might not travel in the carriage with her. My father at once volunteered to go with it in the guard's van, an offer which I believe she accepted.

When, very many years later, I went to Frankfort with him, my father pointed out the lake where Goethe used to skate in his scarlet cloak, and the house where Schopenhauer lived, and the restaurant where he had often seen the misanthrope dining. He delighted in the old gabled streets, in the 'bier-keller' and in the large gardened houses to which the merchants repaired for their summer villeggiatura. At one of these he spent many happy days with his cousin, Baroness Charles Rothschild, and her lively daughters. Even in his boyhood, she prophesied great things for him ; and he, on his own part, was a constant admirer of her charm and vivacity.

I think this intimate acquaintance with a foreign country gave him a wider outlook and greater culture than belong to the ordinary busy barrister with the orthodox public school and university education.

The old Germany had a great charm for him, but in 1873 he writes from Aix la Chapelle, 'as for the Germans, they seem to me rather dull, unhappy, and "gedrückt." The children especially are not nearly as happy as English children, they seem to feel at too early a period "ernst ist das Leben."' And in 1906 and 1907, when we were at Homburg, he used to lament the change that had come over the German people. He said their very faces had altered, there was now a hard and material look on them, and the old gaiety and simplicity of southern Germany had died under the rise of Bismarckian power and prosperity :

he looked in vain for the fair-haired Gretchens of his youth. Still, he always retained a great sympathy with the philosophical Germans. He liked to read their books, and, when he had a chance, to talk with them. He often quoted from Goethe and Schiller, and enjoyed reading the tales of Heise and Auerbach, the latter of whom he knew at Frankfort. But in the modern novel he recognised the same strain of coarseness and materialism, which he disliked in the people; he could hardly be induced to read any of Sudermann's works.

When he was about seventeen he left Frankfort, and began his studies at University College. Here he attended Professor De Morgan's lectures, which made a great impression on him. At this time, he told Professor Dicey, he thought of nothing but mathematics; on one occasion when he was to go in for some examination (I think for some mathematical prize) he went on thinking of mathematics, but because of this forgot the right day, appeared a day too late, and naturally missed the examination and the prize. This incident is very typical of his whole career; his interest was concentrated on the subject that occupied him, and not on side issues, nor, unfortunately, perhaps, from a worldly point of view, on the results to be obtained. Abstract ideas were his absorbing interest. His friends had to remind him of any practical steps to be taken, and very often he eluded their injunctions and disregarded engagements, and postponed appointments. He never cultivated people who might be useful to his career, and did not show himself in public unless the mood took him; he might even work for days at something, and throw it aside if he were not satisfied with it, or if the mood to pursue it were not upon him. Time and space were very indifferent to him; all his belongings had to accustom themselves to the answer, 'Yes, to-morrow,' or, 'Come again in half-an-hour'; and as likely as not the hours might extend

themselves to days, and the days to weeks. Yet years afterwards he writes, 'We are always complaining that our days are few, and acting as if there were no end to them.'

I have not discovered that he took any honours at University College, but in 1905 he was appointed a member of the Senate of the University of London as representative of the Inner Temple, and was reappointed in 1909 and again in 1913.

His family were aware of his exceptional abilities, and they, including the first Jewish M.P., Baron Lionel de Rothschild, were very anxious that he should go to Cambridge, but there were great difficulties on account of his religion. He could not be admitted to Trinity, but Sir Moses Montefiore, his uncle, at last approached the Prince Consort, through whose influence as Chancellor of the University he was entered as a fellow commoner on November 1st, 1849, at Magdalene College.

Professor Dicey writes, 'In the entrance examination he used to recall that he answered the paper on Paley's Evidences of Christianity very well. This need not surprise any one, the book is a piece of very logical argument, if you admit its premises, at least that is my recollection of it; and the stating of Paley's arguments neither implies nor is supposed to imply any agreement with P's conclusions.'

The Master, Mr. Benson, writes: 'Your father was Fellow Commoner, dined at the High Table with the fellows, went to the Combination room afterwards, and wore the gold-laced gown and velvet cap with the gold tassel'; also, 'His college bills appear to be on a liberal scale, and look as though he must have entertained his friends liberally.'

A friend writes: 'My husband was very fond of him from their old college days, when he said his sunny, genial nature made him beloved of all.'

Magdalene was a curious college for a man of his stamp to have gone to, in those days more celebrated

for its racing than its learning. He always spoke with enthusiasm of his University life, the discussions with his contemporaries, the breakfasts and the wine parties, often telling how after the latter he would sit up into the small hours of the morning, working at his mathematics, a wet towel round his head.

He belonged to the old school in his powers of drinking port wine and college ale and in his enjoyment of them. He had a mighty contempt for the modern habit of taking brandies and sodas at odd hours, and perhaps a gentle pity for those young men whose constitutions would not allow them to partake of generous wines. Indeed, about fifteen years ago, when he and Lord Haldane met at a country house, after much talk on law, on Kant and high philosophy, they fell into reminiscences of their student days, his at Cambridge, and Lord Haldane's at Göttingen, and they, as the giants of old, vied with each other in their tales of the libations which they could drink with impunity in those early days. Years after, at Münich, my sister saw my father watching wistfully a young student drinking glass after glass of beer. At last he said, 'How many can you take at a time?' 'Fifteen,' answered the student. 'Ah,' said my father, triumphantly, 'in my young days I could manage twenty.'

At Cambridge my father used to play on the 'cello, but gave it up immediately afterwards. He rowed in his college boat, but was never anything of a sportsman, perhaps from not having been at a public school. In after years he tried fishing with a friend in Wales; but I am sure his rod would have had to be baited for him, and his line would have got entangled, while I do not ever remember to have heard of a fish at the end of it.

He used to play lawn tennis occasionally with my brothers, who were very proficient players, but his strokes were very wild, and I cannot remember him running. At Aldeburgh, later in life, when he tried

golf, the caddy said he could only recall my father's brother as having missed more strokes than he did. Although in no way athletic, he had a magnificent physique: the body seemed as evenly poised as the mind. He was nearly six feet high, with a round, beautifully formed head, and almost a poet's brow, over which was a wave of dark, soft hair, which kept its colour till he was long past seventy; he had bright, vivid colouring, and eyes of greenish hazel, which even in his old age had fire in them. There was evidently something arresting in his eyes, from his youth upwards; for a famous mesmerist, Madame Card, who visited Cambridge in his undergraduate days, made his fellow-students perform all sorts of queer antics, but stopped when she looked at him, and said, 'Young man, I can do nothing with you, for you yourself possess great mesmeric power.' My father, I believe, exercised this power once or twice as an experiment, but left it off very early, saying it was a dangerous gift to employ. He would never talk much about it, but would change the subject, so that we wondered whether he had had some disagreeable experience with regard to it. In after years there was at times a certain glance of his eye which was at once sufficient, without any words, to show his disapproval, and to obtain instant compliance with his wishes.

There was a certain ease and dignity in all his movements, so that his presence made itself felt in any assembly; even his clothes always fell into the right lines; and Sargent, when he painted his portrait, declared that except in a Vandyck he had never seen such delicately moulded, sensitive hands. Perhaps these were inherited from his mother, who was very proud of hers, from which a cast had been taken.

The one form of exercise which he enjoyed was walking; but except when he was abroad, he had even to be urged to walk, as it meant a disturbance from his beloved pipe and book; but in Switzerland, in the

vacation, he used to go on long tramps with friends over the passes. In 1878 he writes from Les Avants: 'I have been walking every day for hours.' In after days he used to deplore the huge caravansaries that rose in the place of the small mountain inns that he remembered, where he could share his pipe and beer with the real mountaineer, untrammelled by the conventions of smart society.

To return to his college days: he soon came into prominence and was talked of as 'the handsome Jew,' and he was regarded with interest as the only Jew at Cambridge, for Professor Sylvester, who matriculated in 1831, had not been a professing Jew. In 1852 he became Secretary of the Union, and, early in the next year, President. But, alas! most of his contemporaries are dead, and I have therefore been unable to glean any anecdotes of his life or speeches of this period.

He himself used to tell with amusement of Sir William Harcourt trying to pass a vote of censure on him for his remissness, when Treasurer, with regard to the Union funds. I suppose he then had the same indifference to money matters which always characterised him. However, the motion failed.

The late Master of Trinity, Dr. Montague Butler, writes: 'My memory for details is a bad one, and I saw him but seldom, except, of course, at the Union: there he was a most prominent character, handsome, dignified, impressive, but I do not now recall any particular utterance on any matter of public interest.'

He used to talk to us of the celebrated 'super-coach,' Mr. Routh, and I thought that he read with him, but I am informed that he took his degree a year later than my father, so perhaps they only discussed mathematics together.

My father was in the running for the Senior Wranglership; but he himself described his work as too spasmodic, long intervals of idleness alternating with tremendous spasms of work—and in the end he

was only fifth wrangler. Lady Battersea still remembers the indignation of her uncle, Baron Lionel Rothschild, when he saw that my father did not head the tripos list. He came into the room exclaiming: 'Arthur Cohen is not Senior Wrangler, he has given too much time to light literature and rowing.'

Professor Dicey writes:

I don't wonder that your father's degree, high though it was, should have been a great disappointment. Long ago I understood from my brother Edward, who I think must have been your father's contemporary at Cambridge, that he was expected to be, and nobody can doubt, with perfect reason, Senior Wrangler. I rather suspect, though this is mere conjecture, that the cause of the mistake which your father seems to have felt in his mode of study at Cambridge, was one that he did not himself fully perceive. I rather gather from things which he said to me that up to the time when he went to College his life had been almost filled up with mathematical study, and that the social side of his life at College must have been more or less of a new thing to him, and probably full of charm; and I think it was quite natural that he should enter into social life with zest, as for instance in taking an active part in the debates in the Union, and probably the consciousness of great mathematical power encouraged him in delaying a little too long the hard working at mathematics. Whether he did not gain in the long run by extending his interest beyond mathematics, is a question which neither he nor any one could fairly decide.

In after years, when my father was bothered by some perplexing case, he often told us how he would dream not of that but of the Cambridge examination and the missed Senior Wranglership.

He was not able to take his degree till 1858, after the repeal of the Test Acts, but in 1883 he was made Hon. Fellow of his College, and was Counsel to the University from 1879. The widow of Dr. Donaldson, of Magdalene, told me that her husband always felt such security in my father's legal advice for the College, and gratitude for the generosity with which it was always put at his disposal.

Amongst his numerous friends the one whom I

remember best was Mr. Ben Leigh Smith, the Arctic explorer, also a mathematician. My father used to visit at his home, and knew his beautiful sister, Mme. Bodichon, one of the founders of Girton, and—so it was rumoured—the original of Dorothea in Middlemarch. Mr. Smith made a great impression on us children when he came to the house, probably this is why I single him out from the others. He was a silent man, but occasionally could be got to speak of his adventures, when he gave one a great sense of power, and infused in his hearers something of his own feeling of romance for that forlorn quest—the North Pole. At sixty-three he married a young and beautiful wife, but often longed again to equip a ship and go off on some distant adventure. Then there were his connections, all friends of ours, Godfrey and Vernon Lushington, and William Coltman.

Mr. William Robinson, Vice-Chancellor of the Duchy of Lancaster, who, till his marriage about 1869, was constantly at our house, was another of his University friends. My father was also very intimate with all his family, including Alfred, the well-beloved Fellow of New College, and he used to stay at their house at Liverpool when legal or political affairs called him north. Mr. William Robinson married a sister of Sir William Richmond, the artist, who made a chalk drawing of my mother after her death.

As a rule, my father was not given to discussing abstract matters, unless a good deal roused by some one whose intellect appealed to him, and many of his friends were lawyers or just kindly intelligent men of business.

On leaving Cambridge he came up to London and had Chambers in the Temple at 6 King's Bench Walk, where he also lived for a few years—very happy ones—of his life. He read with the well-known pleader, Mr. Dodgson, for whom he had a great admiration. It seems to have been reciprocated, for Mr. Dodgson said that his three best pupils were the three C's, Cohen, Cardwell

(Lord Cardwell), and Cave (afterwards a judge of the High Court).

In 1857 he went in for the Law Studentship, not expecting to get it, as he did not spend much time in working for it owing to his father's illness. The news of his success came to him quite as a surprise, when he was quietly dining at an eating-house near the Temple. He was greatly pleased, and his father was so highly delighted that he paid off all his debts ; and his uncle, Sir Moses Montefiore, presented him with the sum of 300*l.* to form the nucleus of his fine law library. This uncle had some influence on his future ; he was a man of great energy and public spirit, a clever man of business, and a philanthropist. Perhaps he did more than any one to improve the condition and status of the Jew, not only in England, but in Russia and Palestine. He was born in 1784, and died in July, 1885. The family originally came from Leghorn. Sir Moses was elected Sheriff of London and knighted in 1837, and in '47 was High Sheriff of Kent. But he was chiefly remarkable for his zeal in trying to better the condition of his own people ; with this object he made seven journeys to Jerusalem, the last when he was ninety ; he also went to Damascus, gaining the favour of the Sultan for his co-religionists, and to Russia, where he obtained promises of friendship from two Czars. In the Holy Land he promoted all sorts of good works : hospitals, almshouses, schools, and gardens. Sir Moses is buried at Ramsgate in the mausoleum that he built for his wife, which is a copy of the tomb of Rachel. There are two slabs of fine marble which cover the two graves—these were sent for the purpose by the Sultan of Morocco.

Sir Moses [writes Lady Battersea] was one of the most loyal subjects of Queen Victoria. Her Majesty herself told me that she could remember visiting Ramsgate as a little girl, with her mother, the Duchess of Kent, and that on her arrival a small gold key had been presented to her, with

which she might open the gate of the garden belonging to Sir Moses, which garden she was to look on as her own during her stay at Ramsgate. The Queen seemingly was much touched by the extreme courtesy with which she had been received in the days of her childhood by her host of the garden. Her Majesty put many questions to me concerning the health of Sir Moses. It was in '83 I ventured to tell her that Sir Moses invariably drank her health in port, each day, always saying as he removed his black skull cap, 'God bless our beloved Queen.' She said, 'Did he, indeed?' two or three times, and then remained quite silent for a few moments, evidently sending her mind back to old memories of past events.

Sir Moses had the same courtly manners as my father. I can remember when, as a very old man, he came to see us, the baby in arms dropped some plaything it was holding, and he at once stooped down to pick it up. He was a most munificent man, and we hailed with delight the huge boxes of bon-bons that would arrive on the day of Purim, when it is customary to exchange gifts, in commemoration of the deliverance of the Israelites through Esther. A telegram would also arrive every year to inquire how we felt after the great fast. My father was one of his favourite nephews. For many years he would go down to visit his uncle at Ramsgate, and, while my grandmother was alive, we once or twice took rooms there to be near her and her brother. Our old nurse reminded us that on one of my father's visits, his uncle asked him to remain another night, but he refused on the score of its being my mother's birthday. Sir Moses then presented him with a cheque for £200 to buy a piece of jewellery for his wife and a piece of furniture for his house. We still possess the ebony and ivory cabinet that was chosen. In 1867 my father went with Sir Moses to Vienna on one of those journeys when, accompanied by a little retinue, his uncle was on his way eastwards on some Jewish mission. A cook always went with them to make sure that the food was prepared in

the orthodox manner. It seems that my father, for some family reason, could not go with him to Buda-Pesth, and Sir Moses writes: 'I thus lose the companionship of a very amiable and talented relative, at a time when I stand most in need of his assistance.' Sir Moses' very strict orthodoxy must have been sometimes, even if unconsciously, a bar between them. There is a quaint, formal letter from him, in answer to a letter of condolence on the death of his wife:

East Cliff Lodge, Ramsgate,
10th November, 1862.

My dear Arthur,

How can I answer the kind and affectionate letter with which you have endeavoured to comfort me in my sore affliction?

I can only assure you of my warmest thanks for your sympathy, for your feeling tribute to the merits and worth of your dear Aunt; and for the comforting words which your heart has poured forth in prayerful aspirations for my own welfare.

On looking over your dear Aunt's papers an unfinished letter to myself has been discovered, in which her loving spirit expresses a wish that a token of her esteem should be handed to some of her dear relatives whom she named, 'when it should please the Almighty to call her away from this Sublunary World.' It is a sincere gratification to me to fulfil her wishes, and I have the pleasure to hand you the enclosed —a slight memento of her sincere regard.

I could indeed add much to what I have said, prompted by the feeling utterances in your letter, but will now content myself with a reiteration of my warmest thanks, and desiring my most affectionate regards to yourself and your dear wife, and wishing you both, with your little Girl, every happiness,

I am, sincerely yours,
Moses Montefiore.

P.S. I am unable to write a letter with my own hand, and therefore pray excuse me having recourse to an amanuensis.

And in a letter of my father's there is a description of a visit to his uncle in 1879:

6 *Holland Park*,
May, 1862.

Last Sunday I went to Ramsgate and found Sir Moses wonderfully well and cheerful. He remained up till twelve and talked an immense deal with indomitable spirit and a never-failing memory. It was a magnificent day and the place looked beautiful.

At dinner there was present a *carpenter* who was born and lives at Jerusalem and who seemed a very intelligent man.

On his hundredth birthday my sister and I went with my father to stay the night at Eastcliff Lodge with him. It was a strange scene: there was a mixed assembly of relatives and dependents gathered round the old man. He was handed, instead of the port wine, which had been his usual beverage, a glass of sal-volatile, which he took with a very trembling hand to drink to the health of Her Majesty. He was evidently very feeble, but sent for us to see him before our departure in the early morning. He was lying in a large four-poster, and on a table near him was a large Hebrew Bible. He died in 1885. My father used to quote his uncle as an instance of the innocuousness of port wine, as till almost the end of his life Sir Moses had had his bottle each day. My father was one of his executors, and it was expected that he would inherit largely under the will, as he indeed did under earlier versions, but the last, composed when the old man was ninety-six, left my father only a reversionary interest, and his house in Park Lane and its contents. But as the lease had just expired and most of the contents had been removed to the Ramsgate house, my father came into practically nothing. On account of these expectations he suffered (partly no doubt from his lordly manners) from always being considered a much richer man than he really was.

As we knew him, my father was a very reserved man; there always seemed a certain remoteness about him. I used to say that I would give anything to be

inside his mind for ten minutes, though I knew that, when there, I should have been only bewildered and have lost my way. But at the period when he left Cambridge, or shortly afterwards, my mother's mother has described him as brimming over with enthusiasm, eager to hold forth on politics, books, and social problems.

I find in a letter written in 1859 the following remark on the position of affairs:

> Politics look black, complications are increasing; nor is it possible to know whether Napoleon can command any longer the course of affairs, if he can, what is his object? On the one hand he assists the Pope, and allows Swiss mercenaries to butcher the inhabitants of the Papal State; on the other he stretches to Kossuth a helping hand. My present opinion is that Napoleon will have to bend to the democratical party, or to allow the affairs of Italy to be settled by a Congress. It will be impossible for him to wrest Italy from Austria without fighting Germany, and he cannot hope to be successful against the Germans without the aid of the revolutionary party. I consider Lord Malmsbury's despatches admirable. If the present Government reduces the Naval estimates it deserves to be impeached. We may find out what the Austrians now feel, that just as their neutrality during the Russian War left them without an ally, so may our neutrality alienate all Governments from us; our reliance must be on our strength, and on the sympathy of the Germans with our free and orderly institutions, and on our national character.

It was now that he was much impressed by Dizzy, as he always used to call him. He met him occasionally at the house of Baron Lionel de Rothschild, who used also to give him orders for the House of Commons. It was a tremendous pleasure to him to go and sit under the gallery and listen to the great debates, a taste which he never lost. He used to quote from the novels and speeches of Disraeli, whilst he shared in his loyalty and pride in their common ancestry. In his note-book my father quotes the saying of Disraeli to one of his relatives, 'You will fulfil all your aspira-

tions ; the race to which you and I belong has learnt to accomplish everything but to fail.'

My father, though not an observing Jew after he left his old home, was always a very loyal one : he admired the old customs and the old people who had not adopted modern ways, although he could not himself be trammelled by all their forms and traditions. He was too much of a philosopher to consider these as essential to religion, but he always retained a sentimental feeling for them. He generally observed in some way or other the week of Passover and the Day of Atonement, when he often fasted partially, and generally attended synagogue. I think he would go hoping for more than he found, and the older he got the more irksome and superfluous the constant repetitions became to him. Curiously enough, he adhered to the Unreformed Synagogue to which his father had belonged. 'I don't believe in reforms in ritual brought about by merchants and city men,' he would say.

Still in 1897 he writes as follows :

6 *Holland Park*,
7th February, 1897.

My dear Lucy,

I hope you are enjoying your stay at Aston Clinton, as you usually do with Lady de Rothschild and Lady Battersea to talk to.

In the wretched weather we have had so luxurious a house is a great relief. I am afraid you would not have had this note from me but for the proofs you sent me, and which I feel under an obligation to return.

I like these papers extremely, and think the article on Passover quite charming; it warms my Jewish blood, and makes me feel I belong to a peculiar race, of which, and of whose history I am proud. There is a magnificent passage in one of Lord Chatham's speeches, and also in one of Burke's orations, in which they speak of the high and noble feelings called forth by a long series of illustrious ancestors, and certainly the man who simply consider himself the first member of the family with nothing to connect himself in blood, history, and destiny with the past, is a very stunted individual.

I sometimes think that when I retire from my profession I may do something for Judaism, but it will be on lines very different from those of Claude Montefiore, for I am convinced that Judaism will never be the future religion of a monotheism which is to supplant Christianity. It is essentially a religion for a particular race; deprive it of this characteristic and of its historic garment, you make it cool, lifeless, and insipid. Please thank Lady Battersea for the proofs, and tell her how much I admire her Seder Evening.

As in politics, his instincts were conservative, though his principles were liberal. There was always a spirit of reverence about him, his mind was continually dwelling on philosophy and matters of the soul, life, and death. In his library were the works of the chief English, French, and German philosophers, as well as translations from the Greek. Quite lately I discovered the following letter, which shows much of his state of mind on these matters as a young man. It must have been a draft of one sent to Mr. Newman, the author of a treatise on the soul, and brother of the Cardinal; though written when he was about twenty-two it shows the tendency which never left him to seek for some truth beyond that found in ordinary philosophy. I have followed it by a quotation, written by him as an old man, from one of Locke's works, as this also somewhat illustrates his own attitude to those problems so difficult to solve:

Dear Sir,

I have read your essay on the Soul, and it is because I am fully convinced of the sincerity with which you wrote it, of your desire to cure religious apathy, that I trust you will not think it presuming on my part to address you the following observations:

Until I was twelve years old I was accustomed to follow at home the traditional usages of the Jewish religion, but they left no deep impression on my soul; and although the religious observances, together with the care of my parents, preserved me from vice or sin, still I was a complete stranger to that intercourse with God, which you so well describe as softening and

purifying the heart. After the age of twelve I went to Germany, and had the good fortune of being educated by a very good and wise man; whether the course which he pursued in order that I might imbibe true religious principles was the best or not, I am not capable of judging; but I have no doubt that his plan of leaving the formation of religion to myself alone, of allowing my reason to pull down all the restrictions of rites and observances, the spirit of which I could not conceive, that his plan of pointing out to me the happiness which follows a good action, the beauty and harmony everywhere to be found in nature, I say—I have no doubt but that this plan would have ultimately led me to a true religion had I remained sufficiently long with that noble and virtuous man.

During the five years I lived abroad, I can fairly say that I breathed a truly spiritual and pure atmosphere. But on my return to London I was chiefly surrounded by people engaged in worldly pursuits, and incapable of producing any moral influence on me; I required therefore some external impulse to keep me in that position up to which my former training had raised me; and although a moderate love of study acted beneficially on me in that direction, nevertheless I felt a longing for some religion; and began to read the German metaphysicians, having formed the resolution to postpone all 'belief' until I found some system of philosophy which might satisfy and convince me.

These abstract studies certainly gave me great 'intellectual' pleasure, but nothing more; they had no influence on my moral action, and although not in the least depraved, I felt a sort of passive languor, a want of moral elevation and greater activity of feeling. I am aware that I have not been able to describe to you clearly the 'vacuum' I felt, but regret this the less because some sentences in your book have reminded me of the actual state in which I was. But well aware as I was that I needed some spring of life, some source of happiness, I very seldom thought that it was to be found in that personal relation with the Creator on the importance of which you so much insist. Perhaps this was caused by a rather strong taste I had for mathematics, which accustomed me to only one class of convictions; I did not know that I could ever believe fervently in any truths except those acquired by mathematical and strictly logical deduction; and that by the cultivation of other mental faculties but that of the understanding certain ideas may become almost necessary, and certain truths appear almost as evident to the human mind as the

axioms in mathematics, or rather as the assumptions made in mechanics.

It was only a year ago that I began to see the dawning of a new light, namely, when I read Goethe's Wilhelm Meister, and in particular the admirable diary therein contained of a young lady whose whole mind was influenced, and almost subdued by religion and religious doubts. However, the excitement provided by the activity of the new life, I was about to enter on a University life at Cambridge, effaced the impression of that remarkable work. During the Christmas vacation I have been reading your work, and can assure you with sentiments of extreme gratitude that I firmly believe it will have the effect of elevating my mind.

Encouraged by the relation in which I stand with you as one of your pupils at University College, I take the liberty to ask you to recommend to me some works on moral philosophy; although the axioms of religion must be felt clearly, and be firmly fixed in the heart, still the study of those works may, it seems to me, prepare one or adapt one to a thorough knowledge of oneself, and satisfy one who dares to think, by making the results partly proved by the understanding coincide with those obtained by other and less logical processes of the human mind.

The quotation from Locke is as follows:

I own freely to you the weakness of my understanding, that though it be unquestionable that there is omnipotence and omniscience in God our maker, and I cannot have clearer perception of anything than that I am free, yet I cannot make freedom in man consistent with omnipotence and omniscience in God, though I am as fully persuaded of both as of any truth I most firmly assent to. And that, therefore, I have long given up the consideration of that question, resolving all into this short conclusion, that if it is possible for God to make a free agent, then man is free, though I see not the meaning of it.

In writing to his future mother-in-law about 1856 on a book of Sir James Stephens, he says:

It is well worth reading, not only because it leads one to important and profound consideration, and to the contemplation of noble characters. The author is a thinker, and the coexistence in him of religious faith and of philosophical system is very interesting. The book has somewhat upset me; when Pascal and Calvin agree on the side of faith, the absence of

which certainly leaves an immense void, I, a poor unbeliever, begin to feel sometimes uncomfortable. However, as my opinions are not yet fixed, and I am, as it were, sailing about, I shall one day or other arrive at the safe port.

But writing again to her in 1859 his belief seems to have become more settled :

I had a discussion the other evening with Cracroft and Robinson, one that you would have enjoyed, Cracroft upholding the coldest scepticism, and I supporting the cause of faith and religion with all my energy and zeal. I believe my opinions are fixed, for the more I hear the firmer do I feel in my views. Whether I shall ever believe in a positive revelation seems to me doubtful, but life without God and the immortality of the soul appears to me so cheerless and false, or so terrible a tragedy, that I am most thankful that argument and reason seem to me clearly on the side of religion and faith.

CHAPTER II.

In 1857 my father was called to the Bar, and from this year onwards dates the influence of his second intellectual passion, the Law. For this was not regarded by him primarily as a means of getting distinction or riches; it was to him a keen intellectual exercise, a thing over which he pondered, on which he wrote, read, and thought up to within six months of his death. His law books are underlined, annotated and worn, and never did he go away without taking with him one or other of them from which to elicit fresh ideas, although any man but himself would have considered that he had already exhausted all that could be obtained from such works.

Perhaps Lord Haldane's letter may be of interest as a fitting prelude to my account of his legal life :

I was at the Chancery Bar, and your father at the Common Law Bar, and consequently we met in our calling but rarely, and then only in the Privy Council or House of Lords.

Your father was a man of a very wide outlook on the subject of his profession. He embodied, what is as rare in this country as it is needed, the combination of the jurist with the lawyer. He had the true passion for seeking fundamental principles for any legal proposition. I always regretted much that he had not sat as a judge of the two highest tribunals of the Empire. In the Privy Council in particular his scientific habit of thought, and the detachment from prejudice which came in its train, would have been of invaluable service in dealing with the different systems of Jurisprudence the Privy Council has to administer.

For this great and unusual quality of your father's mind I always had a deep respect and a great admiration.

Science in law was with him a genuine passion.

These words seem to give the key-note to my father's manner of treating his profession.

These early days at the Bar must have been full of promise and eager attainment. Mrs. Cracroft, the widow of a very brilliant contemporary, writes :

> I remember my husband saying one day, if he had wanted to show a foreigner our ideal of justice he would like to take him to hear your father arguing a case in a court of law—the weightiness of his judgment combined with the courtesy and persuasive charm of manner was such a perfect example of our ideal lawyer.

My father married after he had been three years at the Bar. He had just seen my mother when he was twenty-six and she was a little girl of thirteen. She was a Miss Emmeline Micholls of Grove House, Manchester. One of her uncles had married my father's sister, and it must have been on a visit to this sister that he first met my mother.

Her own mother, a Behrens by birth, was the second of many remarkable brothers and sisters ; some very musical and artistic, while one or two of the brothers were keen sportsmen and owned some of the finest stables in Cheshire ; the whole family were keenly interested in all that went on in the world of literature or politics, and most of them were original and unconventional. I can just remember my great-grandfather, the founder of the important business house of S. L. Behrens, a venerable looking old man, with a long white beard. My father had a great opinion of the power and originality of his intellect, and said that it even surpassed that of the cleverest of his sons. He entered business as a boy of fourteen, so that practically all the knowledge that he acquired was self-taught. He possessed the keen Jewish sense of humour, and many are the anecdotes affectionately remembered of him. He was an easy-going, philosophical Agnostic, and in talking of Jewish ceremonials would humorously observe, 'I keep all the feasts and none of the fasts.'

The Behrenses, though they took no active part in politics, were deeply interested in international as well as British affairs. They befriended some of the Polish patriots, and also Charles Hallé and his first wife when they first came as refugees to Manchester. Any musicians of note who came there from the 'forties to the 'sixties were entertained in that hospitable mansion. Mrs. Gaskell (the authoress) and her daughters, as well as the Winkworths, were intimate friends of the family.

My grandmother herself was a very exceptional woman, with most varied interests, and she would generally take some unexpected view of any matter that arose in politics or in literature. She took great pains with her children's education, moral and intellectual, and this extended to the upbringing of her grandchildren. She lived to a great age, and though for many years, owing to her failing eyesight, she could not read to herself, her interest in all current events and in any new books never flagged. We would have to read the *Times* religiously through to her, most of the parliamentary speeches verbatim. Besides Shakespeare and the other classics, she would get us to read Browning to her; this was at the time when the Browning Society was publishing their explanations of the poems. My grandmother studied their papers, but she would take none of their theories for granted, and would advance far more original and certainly more amusing ones of her own. We were sometimes prevented from appreciating them by the extreme discursiveness of her mind, which might fly from the rendering of a poem or the criticism of a political speech to the exact adjustment of a fire screen.

My grandmother was devoted to her parents and to her brothers and sisters, and her children were more or less brought up with their younger uncles and aunts, who lived only a stone's throw away. One can imagine that to my father the contrast must have been great between his own conventional and rather silent home

and my mother's family, full of vivid interests vehemently expressed, to whom a new volume of Tennyson, Dickens or Thackeray was an event of supreme importance, the merits of which would be discussed and argued *ad infinitum*, and who were by no means inclined to be hampered by social conventions. It is told of the Behrenses that as young people they would bring their books down to dinner and sit on them, so as to prevent them from being snatched away by some other omnivorous reader of the family.

But in spite of, perhaps because of, his own ceremonious manners, the natural and spontaneous always appealed to my father. The little girl, bright-coloured and sturdy, with soft dark hair and eyes that sparkled with fun, or grew soft as velvet under the strain of any strong emotion, attracted him at once. She was bounding with life, high spirits, and generous aspirations. The courtship is said to have begun by their playing ball in the garden together, and he used to tell us that her frank enjoyment of a piece of cake that she was eating delighted him ; it was just typical of her zest in life and of her ardour in anything on which she was engaged. She would not have been in the least overawed by the young Londoner, and soon he must have begun talking to her on all the topics that were interesting him, and listening delightedly to her eager and lively remarks. He probably paid many more visits to his sister than would have been prompted by mere brotherly affection.

When she was only fifteen it was understood that they would eventually marry; and in spite of being greatly fêted by the most brilliant girls in the community, he remained faithful to the little north-country schoolgirl.

It was he who persuaded my grandmother to send her to school. He was always an advocate of institutions ; my mother writes to one of us : 'I think your father would like us all to remain at school till old age.'

I don't know why, for he was one of the least didactic of men. He carried this belief in reforms by means of public institutions into his political life : it may have been a legacy from his early German education. Anyhow, he felt that both boys and girls should have the advantage of mixing with their contemporaries and seeing other points of view than those of the narrow home circle, as will appear in one or two of his later letters.

Accordingly, my mother went to a small school at Hampstead, kept by two very worthy Unitarian ladies. Here she had lessons in literature from a Dr. Sadler, well known in those days, and from other masters in mathematics and logic. At home she had been extremely well taught by a clever old German, Dr. Theodorus, who besides being a learned and very humorous philosopher, could speak thirteen languages ; so the seeds fell on well-prepared ground.

The two were not supposed to correspond while she was at school. It was thought that the example to her schoolmates would be undesirable or too infectious. A quaint little letter from Miss Banks, the head of the school, still remains, impressing caution on her in this respect. Nevertheless, my father used to send her large hampers of flowers and fruit, and probably concealed a note or two inside them. The real correspondence was maintained through my grandmother. Some of these letters I have heard ; full of remarks on every conceivable subject, and interspersed with many jokes. My grandmother had meant to leave them to us, but by some mistake all but two have been burnt—a thousand pities, as they would have given us an insight into their ardent life in those early days such as nothing else could do.

The following letters include one from my mother to one of her young Behrens uncles ; she evidently felt it rather hard that she should be sent to school, while my uncle could see his fiancée (a cousin of hers and

about her own age) as much as he liked. The next is from my father to this same uncle; the last two, full of spirits, from my father to my grandmother. And I cannot refrain from inserting an extract from another letter to her, written on the occasion of her golden wedding, a fortnight after my mother's death twenty-eight years later.

1859.

This letter is written to an Uncle, nearly her own age, also engaged to a cousin of hers.

My dear, much beloved, devoted Uncle,

I turn from writing to a much dearer and a much better, to me, person than you. Who could that be? *You* think no one except Abby, but every one has different tastes.

But we will not argue the point, nor the comparative merits of two such faultless beings as—you know who. I feel convinced we should never stop, and though I can talk for ever about somebody, I cannot (you will say Thank God not) write at the same length. Well, will you go to see my lover? Do, he will be delighted to see you, and if we (you and I) are to be as fond of one another as now, you had better cultivate the acquaintance of my future husband. His address is:—

6 King's Bench Walk, Temple.

I suppose I shall see you in London, and as you know I need not expect an answer, I suppose there will be no good asking after *your* future wife, although I am really very anxious to know how she is. I suppose you are quite happy and never bestow even a passing thought on your niece who often thinks how you are getting on, and envies Abby being with her lover. Does that young lady know the prospects of her niece, if so tell her I am very offended she has not written to congratulate her little niece.

We are coming up on Friday and, of course, I shall see you before I go to school.

Oh! I remember that Arthur did not wish Abby to hear about our engagement until she left London, so please don't tell her.

Go and see Arthur please.

Yours affectionate

Emmeline.

From A. C. A letter to the same Uncle.

6 *King's Bench Walk*,
Jan. 18*th*, 1859.

My dear Edward,

I want you to do the following service for me. Try when you can to ascertain the day and train on and by which Emmie and her parents are coming to London.

Do not tell Emmie about this; I want to go with her to London in the train, and to surprise her by being at the station at Manchester.

I should like to sleep at the Queen's the night before, and if possible to engage a carriage for the party. There is, of course, always a chance of my being prevented by business from carrying out this plan, but it would be very jolly. Don't you think so?

Emmie writes that she enjoys her conversations with you extremely.

From A. C. to his future Mother-in-law.

6 *King's Bench Walk*, *Temple*,
1858.

My dear Mrs. Micholls,

I must begin by apologising for my long silence; but what reason I am to give I scarcely know; unless it be, that I have been generally lazy for the last two months.

I went to Cambridge about six weeks ago to take my degree, and remained there a fortnight. I was with great kindness given my old rooms in College; and when I saw that scarcely anything was changed, the very furniture unaltered, the very stain in existence on the wall, the stain which was caused by a man dashing a glass of wine against it at a wine party, the same servants, etc., I assure you I could scarcely believe that more than an interval of two months separated the time when I was an undergraduate from the moments I was enjoying.

Being the first University man who got the Studentship I met with a cordial reception; this led to dissipation, and on my return I went to Ramsgate to remain a little with my Father, playing chess, reading a little mathematics and some of Fielding's works, furnishing my new rooms, which are very jolly and which I am going to inhabit—these have been my occupations.

But now I am about to recommence my legal reading with courage; papa is much better, and we are going at once to

Brighton to our own house. Are you coming to Brighton? Please thank Emmie for her letter, which was not horridly stupid, as Georgina said, but a very good letter without a single logical error, a compliment which can rarely be paid to the letters of any lady.

You ask me about India. I have no opinion on a subject so sad, and I am convinced a three years' study is necessary to grasp it. D'Israeli's warning that we cannot expect to govern twenty millions of Indians solely by means of a handful of Europeans seems to me just and bold; and the statesmen of England should look forward to a time when the Indians can rule India under the supreme sway of Great Britain; native troops must be employed, and we must, like the Romans of old, give full play to the aspirations of the natural and religious peculiarities of the vast race we are destined to rule over.

. . . . .

Have you read Lord Campbell's Lives of the Chief Justices (last vol.)? He writes bad English but the book is interesting; his great faults are a little spite, love of detraction, and want of reverence for genius.

Campbell's Lives remained favourite reading of his, 'more interesting than many novels.'

From A. C. 1858.

This must, I think, have been when he went in for the Law Studentship.

We are getting on better at home.

The result of my Examination will be known on Monday, I shall not have done brilliantly, but not so badly as to require Emmeline's anticipated letter of condolence and commiseration.

If I had not lost the preceding week, I should (conceited rascal!) have been first, now I shall be somewhere between third and fifth.—Yours, ARTHUR.

I am going to the play to-night, in order to get the problems out of my head.

I broke down only in the reign of William III., which I had reserved for the last four days. My Roman Law and Equity were splendid; and in these two subjects I am far ahead, but have been beaten miserably in the others.

Can you recommend something amusing? My health is tolerable, but I am rather over-excited.

I lost my temper in one *vive voce* examination, the examiner

whom I had often bullied in his private class, trying to bully me ; but I shut him up, and the two Queen's Counsel who were present gave me right.

The examiner then said he saw I knew my subject, but hinted that I ought to speak to him in a tone of greater deference, which I would not do as I knew him to be a great fool, the latter fact I, however, had the self-command to keep to myself—I am in high spirits but very exhausted.

This letter is very characteristic, in his refusing to be intellectually domineered over. I believe he often answered the Judges in a manner not too respectful when he considered their remarks somewhat futile ; also it shows his exhilaration at the contest he had gone through. He always said he enjoyed examinations and rose to them ; in the same way his impromptu speeches were often better than his carefully prepared ones.

June 26th, 1886.
Holland Park.

Dear Mrs. Micholls,

I have been mainly occupied the last fourteen days in arranging and collecting the letters Emmie wrote to me during our engagement. So complete is the correspondence that I have been able with wonderful pleasure and sadness to live that happiest of periods over again, and vividly to realise its joys and delights, from the walks and runs we had in the garden at Stanley Grove when she wore that bonnet with blue velvet so much admired by me, to the glorious days passed at the beautiful lakes in the finest weather and in the finest spirits two or three weeks before the wedding.

And only this evening I have been perusing some of the letters you addressed to me before the engagement, full of advice and encouragement, and the truest solicitude and affection.

But lovers are selfish, and I only now realise how I must have bothered and put you out, and how infinitely I was indebted to you for the immense trouble you took in copying out my effusions, at least the less wild part of them, when she was at school, and all the pains you took to make me as happy as possible.

We still have books with inscriptions 'From a

briefless barrister to Emmie, soon to become Mrs. A. C.'; 'To E. C. from an idle fellow'; and a little later, 'March 6th, 1861, being the birthday of the said wife of one Arthur Cohen, barrister-at-law, who almost as briefless as Mr. Punch's briefless hopes to do better than the latter, he wishes the said wife many and many happy returns of the day.'

On August 23rd, 1860, the two married. He always consulted my mother about everything, and left to her the entire management of his children and his money affairs. It could have been no easy task for a girl of seventeen. She had some hard times in accustoming herself to the standards of order and correctness of her new London relatives, and yet keeping her expenditure within the bounds of their moderate income. My father took as a matter of course, then and always, that everything should go on wheels.

At her wedding the great mathematician, Professor Sylvester, observed to one of her aunts, 'She is very young, I hope her individuality will not be absorbed by his.' The amazing thing was, how absolutely herself she remained, and how independent her judgments always were. After her death my father told this same aunt that he considered her the cleverest woman he had known; and in a note-book written in 1907 I find quoted, 'Foster's grandmother was a woman of very vigorous mind and powers; possessing many of the generous virtues in a high degree. She was large-minded about everything, careless of labour, danger, or expense in the prosecution of any good object, and disinterested almost to an excess. She had a masculine understanding, a great power of mind, real vigour, and was very fearless. With these noble virtues were united some of the imperfections which belong to that species of ardent and resolute character.' He adds, 'This description reminded me to some extent of Emmeline, but only to some extent, for warmth of heart and love softened her whole character.'

He always carried her photograph and one or two of her early letters in his pocket-book, and her name was the last on his lips. He left directions that all their letters to each other should be burnt, and he tore up his to her, so that we never saw what would have revealed so much of their inner life.

Perhaps the two most striking qualities of my mother were her warm, impulsive heart and her transparent truthfulness. She almost made a fetish of truth and was absolutely courageous in the expression of her views, but always generously open to criticism both of her opinions and of her actions. She was very lively, in spite of bad health, and natural, with a strong sense of humour, in which he always declared himself lacking. She enjoyed teasing him. 'I like to hear her laugh,' said an old nurse; 'she do laugh so 'earty.' As usual with that sort of temperament, she could sink into correspondingly low spirits.

My father generally submitted his speeches to her, and her opinion, given with great candour, had great weight with him. She was very fond of poetry, and one or two of her favourite Shakespeare plays always accompanied her; she likewise read much general literature, and he would apply to her for quotations.

She was also very keen about mathematics, and went to several sets of lectures on the subject after her marriage, and the problems which they suggested were a source of common interest to them. Naturally her knowledge of the subject was elementary compared with his.

He left even the education of his sons to her, the correspondence about their public schools, the choice of their universities and of their careers. But she nevertheless said that if she put a point on practical matters to him, his advice was invariably sound; and in small as well as in large matters he used often to surprise us by going straight to the essential point. To give a trivial instance: We used to play a game of writing a tele-

gram on a given subject in ten words. On this occasion the subject was that some one was very ill and had broken his leg, and needed immediate attendance. As we sat pondering, pencils in hand, trying to compress our thoughts, my father entered the room and asked what we were all puzzling over. 'Why hesitate?' he said. 'All you've got to say is, "Send for doctor!"'

I discovered these two letters, written when I was at school, which show how well he could, if he chose, enter into matters of practical purport. They are characteristic in going at once to underlying principles, and in being most courteously worded :

Aix-la-Chapelle, 23. 9. 77.

My dear Lucy,

I received your persuasive letter on Thursday and will now answer it. Before, however, replying to the various ingenious arguments it contained I will begin by satisfying your curiosity. I consent *very willingly* to your staying with your Mother while she is at Tunbridge Wells and while she is in London until she goes to the seaside, and remaining with her there, *provided* you make up your mind to go to school as soon as she returns home. It may be that circumstances will intervene which will make me think it right for you to stay longer at home; but at present I do not see that such circumstances exist, and hope and believe that they will not arise, and I only give my consent to the above plan provided that you *honestly* determine to go to school on your mother's return *mit gutem Willen*.

Some of my reasons you will gather from the reply I am going to make to divers of your arguments, some I wish to write only to Mama. But in the first place let me express a hope that you are not such a goose as to doubt that I *like* to grant your requests, and secondly that if your Mother expressed to me any desire, it would require no persuasion from you to make me ready and anxious to comply with it; in the second place let me thank you for having written to me so nice a letter and having expressed your sentiments so frankly.

Your argument that school education is not everything and that it is more important to be useful than to learn, is

fallacious. If the latter part of it were true, see how it might be applied to others. There are ever so many parents who are so poor that two or three shillings a week is a matter of utmost importance to them, and according to your argument these children might beg not to be sent to school because they could be of real use and earn four or five shillings a week.

The real fallacy that underlies your argument is your measuring what is temporary by what is permanent; what you now learn both in knowledge and by discipline may tend to make you *permanently* useful, in the higher sense of the word, to yourself and many people by forming your character and mind, and this benefit is not to be compared with the use you may be for a few weeks. No doubt at home you *might* learn. I have no doubt you would improve sufficiently in Euclid and Algebra, but there are some advantages you get at school and not at home. At school you are in the company of and compete with a number of healthy girls of your own age, and this without your being actually able to perceive it has done you and will do you great good. Again, at school you are obliged to conform to *regular* discipline and to learn not only what you like but what you don't like; this is I assure you of the utmost importance, and I could write a good deal about it if I were not afraid of wearying you and did not see you 'turning up your pert nose' and forming a resolution not to be convinced. . . .

I think now I have answered your letter and hope you will take all I say as kindly as it is meant and believe that it is dictated by the affectionate solicitude, and I will venture to add prudence, of

YOUR AFFECTIONATE FATHER.

Aachen.

Just two lines, for the surprise you will feel at my having written to Miss Metcalfe (the schoolmistress) will I know be an ample compensation for the brevity of this note. I am very glad to see from your letter to your Mother that like a good and sensible girl you are settling down happily at school; from your *very nice* letter to me, that you are *inclined* to believe my advice may be after all right. Of course you understood that the cause of your Mother resolving against my opinion not to keep you with her was her very unselfish and generous shrinking from disturbing your studies and the regularity of your life for the sake of her own comfort and happiness,

and I have no doubt you appreciate and admire the motive, which I am afraid I should not under similar circumstances have had the virtue to allow to guide my conduct.

My parents married in August, 1860, and went abroad for the long vacation to Italy and Switzerland. In those days, when there were no Cook's tickets, they were escorted by a maid and a courier, and my mother used to tell that even my father was somewhat dismayed at finding a magnificent carriage and pair waiting at the Paris station, which took them to a correspondingly magnificent suite in the Bristol or Westminster Hotel.

They began their home in a small house in Gloucester Terrace, and Lady Matthew has often told me what a beautiful couple she thought them.

There are very few early letters to which to refer, but I know that at first each brief was anxiously awaited. Still, even in 1863, my mother talks of him as being very busy, and soon the briefs must have poured in. I fancy that my parents when they first married must have led a very quiet existence. He was too busy to care about society, and though she was of a sociable disposition she was much taken up by her young children, and hampered by bad health, though there was always a great deal of family society between the members of their respective families. But she described how she often missed the lively conversations at her own home, for my father was out all day, and only able to talk to her at dinner, as he would retire to his study to work at his cases till any hour at night.

In her old home her brothers and sisters, as well as her mother, were extremely outspoken and talkative, every small event, and even any peculiarity of conduct, would be the subject of animated comment. Her sister Annette was extraordinarily humorous and amusing. If she even went round the corner to a dairy or a greengrocer, she would come back with an entertaining story

of an adventure or conversation. She was also a very clever artist. My mother and she remained the most intimate of companions till her early death in 1877. She used frequently to stay with us, and was a very devoted aunt, playing with us and regaling us with long improvised fairy tales, which she cleverly broke off each day, like the Princess Scharazad, at the most exciting point.

Then, a stone's throw away had lived my mother's uncle and aunts, the Behrens. Their influence was such that my mother always had in her mind their standard of conduct, even though at times she might differ from it. Her two elder uncles, Horatio and Julius, used to come, when they were in town, pretty frequently to see my parents or to dine with them, and to have them also dine in their house in Park Street. I can still remember the solemnity and almost eloquence with which the quality of their wonderful old wines was discussed. They, hard-headed business men, with the family vein of humour, but most kind and generous, had the greatest respect for my father. They were chiefly concerned with practical matters, business and politics, and with racing and hunting, and were apt to regard some of my father's views as quixotic, though interesting; while on his side he greatly differed, though generally silently, from their more cynical and material outlook on life; but they were eager to learn his opinion on points of law, while politics offered grounds for endless discussions.

My mother, however, had the greatest reliance on their judgment in practical matters, and on their capacity for throwing themselves whole-heartedly into the lives of those about them. She also enjoyed their broad spirit of humanity, and the quick and often witty interchange of criticism on life and people which my father was apt to consider unprofitable and occasionally uncharitable.

But of all this family, her great friends were Adolf

and Anna, and to them she would talk of many of the smaller points in her children's education and characters, which would only have bored my father, and obtain from them that advice which we as children thought them only *too* ready to give. My uncle Adolf was indeed one of the most remarkable men whom I have known. He had the mind of an artist, though there was none of the weakness and want of stability that one often associates with the artistic temperament. Yet painters, musicians, and poets would approach him on matters pertaining to their art, while he was fond of repeating that his father's head clerk had said, 'If Mr. Adolf had only remained in the business, he would have made the best man of business of them all.' He was a great student of literature and of politics, the newest books, as well as the oldest, were to be found on his table, and he was not content unless each day he had read the newspapers not only of England, but of France, Germany, and Italy. Of him might well be said: 'I am a man and I cannot be indifferent to anything that affects men.' So it was that not only his contemporaries, but his nieces and nephews and their children, turned to him for sympathy and counsel and delightful intercourse.

He had an attack of typhoid fever in Rome, and for the last twenty years of his life was a confirmed invalid, and lived, with two devoted attendants, either at the Star and Garter Hotel, Richmond, or at Tunbridge Wells. From his rooms at either place how many have come away revived and stimulated by his sympathy and comprehension, and cheered by his princely hospitality. My mother was one of his favourite nieces, and some of my most enjoyable hours have also been spent with him, for he lived till 1896.

Of my aunt Anna, who like her brother remained unmarried, it is difficult for me to speak in a few words, for she was the greatest inspiration of my youth. A woman of strong character, with a large and noble

mind and a generous heart, public-spirited and charitable, but with the warmest affections, she was by nature a student, shy and retiring; but life brought many responsibilities to her, and she invariably met them with dignity and capacity. No appeal for her sympathy, whether in joy or sorrow, was ever made in vain, though it might occasionally be given tempered by very direct criticisms of conduct. Her judgment was always sound and unbiassed, and my mother sought her help in all the crises of her life; they had indeed much in common, but even my father used to speak of her as 'the wise lady,' and would occasionally consult her, and was always willing to spare us to go to see her. They were of the same age, but she died ten years before him. Her help was my great resource during the many years when I had to fill my mother's place, and the times which I have spent either reading or travelling with her in England or abroad I look back on as among the happiest of my life. It is easy to imagine how, when she first came to London, my mother must have welcomed these visits from her relatives from the North, and how she must have enjoyed to revert with them to the close and easy intercourse on men, manners and books that never failed to excite and interest her.

In those days, as I said, she and my father saw comparatively little of London society; one or two solicitors, or barristers, destined no doubt afterwards to become Judges of the High Court (such as the Matthews, Watkins Williams, Sir Henry and Lady Jackson, &c.), would dine with them. Herbert Spencer lived a few doors off, but he considered that conversation at meals impaired his digestion; he would, however, take walks with my father and with his friend, Mr. Tom Cobb, on Sunday mornings. There are just two extracts from my mother's letters relating to this period. She writes about 1863:

Arthur is very busy still, and expects to make a grand

speech in the Admiralty Court. He is so full of work that I fear he will not go to the dinner the members of his Circuit are giving to the new Judge Shee, which it would be a pity to miss. But I expect Mr. A. C. will work late at Chambers; he does nothing but work, and I see very little of him. . . .

I have got the new Cornhill; it is sad to see the border of black. Thackeray's death is a great grief to me. I had quite a personal feeling for him, and would sooner have known him than any other man of this century. . . .

In this letter she says that she cannot go to a certain dinner at a relation's. 'A. C., however, is going, as we thought it would disappoint Aunt after she had prepared the delicious feast (Sauerkraut) on purpose for him.'

In 1864:

Arthur takes much interest in this Danish question, and he is *not* on the side of Germany, but I think when he has time he will write you a letter expounding his views better than I should. He continues very busy, but is not over-well. *I fear he never will be till he takes more exercise.*

Can you tell me the meaning of, 'He answered in Cambyses' vein?' You will find it in Disraeli's speech concerning the Danish papers, and we are puzzled by it, and cannot find out the meaning in any of the books of reference we have looked into.

(The quotation is from Henry IV., Part ii., Scene iv.)

It is unfortunate that my father kept so few of his letters. He would poke them into his pocket, where they would remain, till by good luck they answered themselves, or until he had a Sunday of letter-writing, and of reckless tearing up. Even with regard to most important business the same neglect took place, and a letter to him from Lord Granville is prefaced by the observation, 'Though I know you do not like answering letters.' The three following letters show that Sir Moses exerted some influence in favour of his nephew, and was gratified by his success. He was the founder of the Alliance

Assurance Company, for which my father was standing counsel till the day of his death, and for which he won some very important cases :

To the Directors of the Alliance Insurance Co.

GENTLEMEN,

I beg leave to certify that Mr. Cohen was my pupil for two years while he was studying the law, and that since he has left me I have frequently had communication with him on legal subjects, and that I have therefore had great opportunity for forming an opinion of him.

I consider that both in respect of intellectual powers and legal acquirements, few men of his standing can ever be found with fairer promise of success. I predict with much confidence that his professional career will be eminently successful, and that if you select him for your standing counsel the selection will be both an honour and an advantage to your institution.

I have the honour to remain, Gentlemen,
Your obedient servant,

Nov. 15th, 1857, H. H. DODGSON.
1 *Panfield Court, Temple.*

From Sir Moses Montefiore.

East Cliff Lodge, Ramsgate,
Dec. 16th, 1864.

MY DEAR ARTHUR,

Yesterday I had the satisfaction of hearing from Mr. Penn that the cause in which the Alliance Marine is interested has been decided in its favour, and this result is mainly owing to the ability and sound judgment which you evinced on the occasion, apart from the pleasure that I must feel in my official capacity at this circumstance.

Nothing I can assure you was more gratifying to me than that this success should have been achieved, in the face of hope, almost solely by the tact and management of a near relative, in whose progress and advancement in life I feel so deep an interest.

With kind regards to your amiable wife and little ones,
I am, yours most sincerely,
MOSES MONTEFIORE.

ARTHUR COHEN, Esq.

From Lord Justice Earle.

DEAR COHEN,

The associate (L. P.) tells me to send you my Carte. I am very glad to do it. I have your course hitherto under my eye.

Before you were called, the Alderman told me of his hopes that his nephew would hold an honorable place at the Bar. At your first argument in C. P. I made some timid remark (to help you), but according to your account you floored me in an instant, and I said no more till I gave judgment for you, and I have had satisfaction in seeing by the *Times* many another judge served the same who has interrupted you in arguing.

I seem to see your onward course writ in the Supreme High, giving 'em the Law strong and clear, and teaching 'em to behave.

Yours faithfully,

Bramshott, Liphook, W. EARLE.
Nov. 13th, 1875.

If you have a Carte to spare, I should like to have it, and so would Lady Earle, who desires to be remembered to you.

About 1861 my father wrote a paper, which was read at the Royal Society, and the famous Baron Pollock writes as follows :

Hatton, Hounslow, W.,
Nov. 29th, 1862.

DEAR SIR,

Many thanks for the copy of your paper, which is more profound and practical than anything I have meddled with since I left Cambridge.

You are quite right in thinking that a lawyer, though wedded to his profession, may have a left-handed wife in some other pursuit, indeed ought to have, that his mind may not be vitiated by the sole practice and study of law : but the law is very jealous, and will not allow of an over-flirtation with fluxions.

Yours very truly,
FRED POLLOCK.

Throughout his life this love of his ran his 'jealous mistress' very close. Sometimes he even regretted not having devoted himself to mathematics and astronomy. For him there was real poetry in the combinations of

pure mathematics. They were to him a kind of art, taking him out of the turmoil of politics and the grind of law. We have found scores of copy-books full of figures in geometry, some very elaborate and neatly drawn, others with pages of algebraic formulæ, some even written within a few months of his death. He quotes from Marcus Aurelius, 'Look round on the courses of the stars, as if thou wert going along with them, and constantly consider the changes of the elements into one another, for such thoughts purge away the filth of the terrine earth.' His contemplations undoubtedly had this effect on him. There would hardly be a favourite book of his, which, besides being scored with pencil marks, and probably a few notes of his own, would not have some algebraic or mathematical figures on the fly-leaf and margins. He and my mother took great pleasure in setting us problems as children. It was curious that our simple methods of solution would sometimes appear quite wonderful to him, and occasionally would be praised as 'very pretty,' while his own abstruse solutions of the same problem, founded on what he considered the merest A B C of the subject, would have to be explained to us at great length. The following letter deals in his own language with this question of what may be obscure to one mind and not to another :

Konigin Englands, *Karlsbad.*
14*th August*, 1890.

My dear Margaret,

I have received your interesting letter, which did not call for Job's patience at all. I often wonder why so many a great work is obscure and requires elaborate commentaries. Is it because great thoughts are dim, somewhat dim to the thinker himself, or because the language which to his mind and feeling distinctly represents his thought is different from that ordinarily used to express ordinary thoughts, and which, therefore, is not easily intelligible to the ordinary reader ; or is it because the ordinary reader or hearer has to be strained up to a higher pitch, and thus only can be fit to grasp the great thought and to feel the appropriateness of the garment in which it is clothed? If

the last is the true explanation, some musical masterpiece might be a fit introduction to hearing or reading a great and lofty theme.

I am inclined to think that a true explanation is generally to be found in a combination of the three causes.

When Sylvester was asked whether imaginary quantities presented any difficulties to his mind, he said 'No'; for just as Coleridge said he lived in an atmosphere of Christianity which rendered doubt impossible, so he lived in an atmosphere of imaginary abstract quantities which to him were perfect harmony.

Still, life is so short, that writers should when possible be clear and concise. This last remark is a digression caused by my having been disappointed in reading Mill's Logic again, and finding him far from profound and awfully diffuse. But I must stop this digression as it will bore you. . . .

My father had never concerned himself much with the practical matters of life, and therefore he would constantly be greatly impressed by some practical merchant or worker, and astonished by some homely bit of knowledge. He would often state one of the cases that was puzzling him to my mother or his brother, and ask 'for a common-sense opinion on it.'

His mind worked, however, so differently from other men's, on such a much more abstract plane, that he could seldom make direct use of their assistance. For this reason it was difficult to help him or to relieve him even of the humdrum part of his work. When he was in the House of Commons and had a very efficient secretary to get through some of his legal drudgery, he would often traverse the whole ground prepared by him again. Thus, when he was asked merely to supervise an article on Insurance to be written by my brother in Lord Halsbury's Encyclopædia of Law, it ended in his writing the whole thing, and re-reading all the books on it at about the age of eighty. My youngest brother adds:

His mind conformed strictly to the Spanish proverb, 'No hay atajo sin trabajo' ('There is no short cut without work'); indeed, I have never known any one to whom mental short

cuts were so distasteful, even where profound study and long experience must have made him sure of his ground.

For relaxation from his work and abstruse studies he would go abroad, as, owing to my mother's health, she could not take long walks, or railway journeys, except in short stages, and very often he would spend part of the vacation with a friend, to make up with huge walks for the want of exercise in term time ; often overdoing himself by thus rushing from one extreme to another. He always made for Switzerland, but Paris, Homburg, Dresden, Ems, Milan, were all visited. I do not know when the first of his many visits to Karlsbad took place, but he certainly enjoyed them greatly and believed in the place as a panacea for most ills. The regulated hours for walking and eating suited him. He revelled in the early morning walk before breakfast, sipping the waters, and then taking his coffee and delicious Austrian rolls somewhere up in the woods, while the sight of the strange mixture of many nationalities fascinated him.

Aix-la-Chapelle, 1877 or '78.

My dear Lucy,

Many thanks for your letter, which I hope did not (to use your expression when you miss a ball) *bother* you much, and which gave me much pleasure. This place is rather tedious, but not nearly as bad as Sydney [his brother-in-law] describes it, and what with drinking, with bathing, walking, and studying a little, and reading much, I find the time pass well enough until about nine, when the next two or three hours do appear rather long and heavy. I don't think (as far as I can feel) the waters allow of much intellectual work, and the theatre is closed—open again on the fifteenth. To-morrow I mean to go to the Cathedral—there rest the bones of the great Charlemagne. In fact, this is an ancient place known to the Romans and frequented by those great 'bathers' on account of the waters.

What a dreadful thing is the Indian famine. I hope Mama has sent £20 in my name to the Relief Fund. It is disgraceful that our Governments have done so little towards the construction of canals and tanks.

I was only reading in Gibbon how the Romans caused many cities in Asia and Africa to rise and flourish by executing great irrigation works.

If we don't take care, the prophecy of a witty statesman will prove true, that if England loses India, Bass's pale ale bottles will be the principal trace of her Indian rule.

I have begun Madcap Violet, which I found entertaining—I have read one of Spielhagen's novels—a little Sallust, a little mathematics, and a little law. . . .

I was thinking the other day how you all speak against T. because he is always criticising pictures and china and books and food severely, and it struck me after all it was far worse to be criticising people and turning one's nose up at them. John Stuart Mill once said that the surest sign by which we can distinguish a really well-educated person from an ordinary individual was this—the latter always spoke about and abused a *particular* individual, whereas the former was apt to speak of classes and to generalise. When I was thinking as above, I was thinking of my dear tall daughter. I fancy you saying, by way of repartee, that I was then acting the part of an uneducated person—according to my own theory. But such a remark would be a fallacy.

The second book of Euclid *is* tedious, but Sydney might help you. Ask your mother if she knows how Hirst treated it. If any problem troubles you, you can send it to me.

I don't care for any of the people here that I know, and as for the Germans they seem to me rather dull, unhappy, and 'gedrueckt,' the children especially are not nearly as lively and active as English children; they seem to feel at too early a period, 'ernst ist das Leben.'

How does lawn tennis get on?

I trust Willie [who became a magnificent player] has beaten you, and that your victories have not again hurt his feelings.

Good-night, as it is very late.

The summer of 1870 was passed at Bettys-y-Coed, where he went long walks with a well-known solicitor, Mr. Tom Cobb, and made attempts at fishing. The Franco-German War was the all-absorbing topic, and I still remember the walks to the village post office to get the papers as soon as possible, and his sitting on a stone wall to read them. In spite of his affection for Germany he never shared in his brother's admiration

ARTHUR COHEN.

EMMELINE COHEN.

for Bismarck, as will be seen in a later letter, and he detested the Prussians.

We did not see much of him in these early days; as I said, he came home late and left early; some of the letters speak of him as getting up at five or six in the morning. But his customary plan was to work in the late hours, and occasionally he would get up in the middle of the night if a sudden inspiration occurred to him.

The Guildhall sittings were times of tremendous strain, and he practically lived either in the courts or in the brougham which took him to and fro between the Guildhall and Westminster. For in those days the Law Courts had not been brought together in the new buildings in the Strand. One of his peculiarities was that he could go quite happily without a meal, and make up for it afterwards; in the same way a long rest on Sundry would completely set him up after a week of long nights in the House of Commons.

We were rather overawed by him, though he hardly ever found fault with us, and then only on the score of manners or deportment or enunciation. The more serious failings were left to my mother to cope with. She would laughingly say: 'If ever the children don't please you, you always talk of them to me as "your" children.' There were eight of us in all; the first four came in quick succession, and then there was an interim. He was always very pleased with each baby as it arrived. He would look at the small creature, saying: 'It probably knows more than we think.' Once after long contemplation he said: 'I wonder what you know about algebra?' He quotes from Mrs. Oliphant: 'Indeed there is something of the infinite in every child—unfathomable possibilities, the boundless charm of the unrealised, in which everything may be while yet nothing certainly is.' Infants in arms he would dandle with great delight, but he never spoke to them in baby language. 'What is the meaning of tootsies?' he once

asked very scornfully ; and, 'Why should a horse be called a gee-gee?'

A clever, tall nurse, who came before my brother Willie was born, and who lived with us until she married, and even then was always turned to in time of trouble, told us how extremely primly we had been brought up. The servants told her that 'Mr. Cohen did not like to see the children romp or play on their walks.' She soon altered all this, and made a point of bringing the baby ('the boy of boys,' as she called him) and letting him play about my father's dressing-room.

In his own childhood he had never been taught the names of flowers, and to the end of his days he hardly knew any beyond roses, lilies, and geraniums. He had also never been brought up on fairy tales by his mother. Late in life he was tempted for the first time to read Alice in Wonderland on seeing the cartoons, based on that work, which appeared in the *Westminster Gazette* at the time of Chamberlain's campaign against 'Free Trade.' But he did not appreciate the humour of the book, and he could not understand why it had become a classic. After one of Mr. Gladstone's great orations, he came back at three in the morning, and asked my mother what an allusion to 'old lamps for new' meant. She told him there and then the story of Aladdin, to which he listened entranced as a boy.

When any of his children were ill he was most solicitous. With this same boy, Willie he and Sir Andrew Clarke, Mr. Gladstone's doctor, sat up all one night. Sir Andrew, who was his friend as well as his doctor, writes as follows : 'I saw the other day a barrister of the name of Robertson. He delighted me by telling me that no one envied your husband his distinction and that every one agreed it had been worthily won. How much more generous to each other are barristers than physicians.'

It would have been impossible to him to have told us tales or to have played with us, but he would com-

mission our mother to buy us presents. A favourite way with him, to lead us in the paths of righteousness, was to offer us rewards, never to threaten us with punishments. I suppose he was one of the kindest men that ever lived. He simply could not bear to see any one in pain or distress of any sort. If some one was ill he was always ready to go—'If I can be of any use.' He rather shared in Queen Victoria's love of funerals, and would attend those of people whom in life he might not have troubled to go and see.

About '71, after his father's death, my parents moved to a large, roomy house in Holland Park. In those days it was considered rather like going into the wilderness. But my mother liked it; she could spend many hours reading and writing in her garden, and could also watch and inspire our games there. She gathered a circle of friends about her, largely consisting of parents of the children who shared our education, over which she took such immense trouble, that she came to be considered quite an authority.

In 1873 and 1874, after a long illness, my mother went with her sister, to whom she was devoted, to St. Moritz in the Engadine, then quite a small, unspoilt village among the mountains. She used always to talk of its air, which revived her 'like champagne.' As soon as the vacation allowed, my father joined her there, and they went to Milan and Florence, meeting among other people Lady Ritchie, Thackeray's daughter, whose enthusiasm and exuberant terms of admiration much amused my father.

He was fond of seeing good pictures—in moderation—and had a retentive memory for them. He also liked to hear good music, generally asking for Bach; Mozart and Beethoven likewise gave him pleasure, his taste in this as in books being for the simple or the grand, and not the complex or morbid. In old days he used frequently to go with us to the 'Popular Concerts' to hear Joachim, Piatti, and Madame Schumann.

CHAPTER III.

In 1872 came the piece of work which really brought my father into prominence. He was asked by Sir Roundell Palmer (the future Lord Selborne) to go to Geneva as his junior counsel in the 'Alabama' case.

There are now very few men who would remember the proceedings, though at the time they were watched with great interest, and the fact that my father had been engaged on them had a marked influence on his reputation and career. The only record he kept was an envelope containing a good deal of technical correspondence with the Board of Trade officials, Lord Farrer and Lord Tenterden, one or two of their letters urging him somewhat insistently to complete his final report. Lord Granville writes from Walmer Castle, October 18th, 1875.

Dear Mr. Cohen,

The enclosed correspondence has been sent to me. I know you are not fond of letter writing, but I should be much obliged if you would favour me with any other comments which occur to you on it.

Yours sincerely,
Granville.

I wrote to Lord Sanderson, who was at Geneva with the British party. He writes as follows:

I do not at this moment call to mind any very amusing incident connected with him. It was awfully hot and the work was severe, for the British party somewhat irritating and depressing. To use the language of one of E. Lear's nonsense songs, 'Life on the whole was far from gay.' We all (the British party) lived at the Hotel des Beignes, and took our meals together. What struck me at that time about your

father was his serenity of temper under very trying circumstances, for he had to arrange every claim with Mr. Beamen, the corresponding member of the United States staff. I am bound to say that Mr. Beamen was not at all a bad fellow intrinsically, but he had of course to fight for his hand, and in the end the majority of the arbitrators awarded to the United States a far larger sum than they have been able to distribute.

I have no doubt your father's services were handsomely acknowledged in the dispatches laid before Parliament at the time. I became a great friend with him, and though we rarely met afterwards I was always glad of the opportunity of a talk.

I find that his fee was 1000 guineas.

Mr. F. Hollams, one of his pupils, and son of almost his chief client, writes:

But the most important piece of work which was dealt with in your father's chambers whilst I was there was the 'Alabama' Arbitration, in which he was associated with Lord Selborne as counsel for Great Britain.

The statement to be submitted to the arbitrators at Geneva was of course an elaborate work comprising an enormous amount of detail, and I well remember how we were all pressed into the service and compiled sheets of figures to be incorporated in the case, which was finally settled by your father and Lord Selborne in consultation.

There are just two letters written to me as a small child from Geneva. One of these I give:

Geneva, 1873.

My dear Lucy,

I write to tell you that I am very well, but I am also very busy defending the rights of our country against the Americans.

Geneva is a very charming city on a beautiful lake and with a view of snow-clad mountains.

Geneva has also, as your clever mother can tell you, a remarkable history and can count most illustrious men amongst its citizens. Notwithstanding all this, it is so hot and I am so tired of work that I shall be glad to get away.

With love to all,

Your affectionate Father.

About this time he received the following letters from Sir Fitzroy Kelly, offering him the strange posts of Tubman and Postman, now abolished :

Connaught Place, W.

My dear Mr. Cohen,

Alfred Thessiger having become a Queen's Counsel and vacated the office of Postman, I have much pleasure in conferring it upon you : and if you will be good enough to present yourself by the side of the Postman's seat on Thursday next, the 6th, at the sitting of the Court, I will call upon you to take your seat accordingly.

Very truly yours,
Fitzroy Kelly.

From Chief Baron Fitzroy Kelly.

Connaught Place, W.,
April 17th, 1873.

My dear Cohen,

The promotion of Watkin Williams to be Queen's Counsel vacates the ancient office of Tubman in the Court of Exchequer. It is of no value ; but it has generally been conferred, for many centuries, by my predecessors upon some one eminent and of merit among the other barristers of the day. I wish to follow their good example and offer it to you, than whom I know none more worthy. If you are disposed to accept it, be pleased to present yourself in the County Exchequer, at sitting of the Court on Saturday or Monday morning next, and I'll call on you to take your seat.

With all good wishes,
I remain,
Very truly yours,
Fitzroy Kelly.

Early in January, 1874, he characteristically declined to accept the invidious distinction of being made an exception to the Lord Chancellor's decision to defer the creation of a new batch of silks, but within a few weeks his name was included in the list.

The only letter of congratulation he preserved was from the future Lord Bowen, for whom he had a great admiration.

1 *Birchland, Temple, E.C.*
Feb. 2nd, 1874.

My dear Cohen,

I only write this time to say how heartily I wish you success, and shall do so at any turn of your future life, which is sure to be a distinguished and an honourable one.

Please not to take the trouble to answer this, as I only write it in order to say what I and many others of your own profession feel about your career.

Yours very truly,
Charles Bowen.

In 1874 he was induced to stand as member for Lewes on the Liberal side. Well do I remember our excitement. He had not, however, nursed the constituency at all, and came back to London excited, hoarse, and vanquished.

In October, 1875, came the following letters from Lord Granville and Lord Coleridge :

Walmer Castle, Deal,
Oct. 30th, 1875.

Dear Mr. Cohen,

Our official connection, owing to the Geneva Arbitration, prevents our being strangers.

Sir Robert Phillimore has in consequence of recent legal action resigned the judgeship of the Cinque Ports Admiralty Court, the office is not one of great labour and has only a nominal value (£60 per annum), but there is but one appeal from it; it is an old office of some dignity. Will you undertake its duties ?

Yours sincerely,
Granville.

From Lord Coleridge (Chief Justice).

C. P., Nov. 7th, 1875.

My dear Cohen,

I omitted to say to you yesterday how heartily glad I am of any piece of honour which falls to your share, and how well I think you deserve it. I suppose there is more gilding than gingerbread about this appointment, but whatever there is of either I congratulate you upon it.

Yours very truly,
Coleridge.

My father held the office of Judge of the Cinque Ports, '*without* the gilt on the gingerbread,' from 1875 till 1914, when he resigned, to be followed by his friend, another great international lawyer, Sir Frederick Pollock.

He installed four Lords Warden, Lord Dufferin, Lord Salisbury, Lord Curzon, and Lord Brassey. Sir Henry Poland, the great criminal lawyer, as a Baron of the Cinque Ports used to attend these ceremonies, and writes as follows :

DEAR MISS COHEN,

I am afraid I cannot remember any stories of your father's cases or of himself in his early days. We did not practise in the same courts, and I went so little on circuit that we met but seldom at the Bar Mess. His career at the Bar was so quiet and dignified that I do not think there are current in the profession many stories about him. . . .

It must be pleasant to you and his other children to know how your father was loved, and held in such high esteem as one of the leading members and most learned lawyers of the English Bar.

I wish I could assist you in the way you suggest.

We happen to have the two last speeches. My father was most satisfied with that to Lord Curzon, with which he had taken great pains, and Lord George Hamilton, who was there and was Secretary of State for India, asked him how he knew so much about the subject.

He used to prepare these speeches with great care, and was nervous before them. As however they were only complimentary speeches to the Warden of the day, and also referred to the past history and dignity of the Cinque Ports, they would not be of interest to a future generation.

My father was not fond of figuring in ceremonies, and the following remark is characteristic of him. On August 13th, 1908, he writes to me :

To-morrow I go to Dover. I have prepared my speech, but am anxious about it. I have refused to wear knee breeches.

(These same knee breeches frequently held him back from attending the Chancellor's breakfasts.)

My brother accompanied him on this occasion. But he never encouraged either my mother or me to go with him to Dover, and looked on the whole proceeding somewhat in the light of a penance, though when he got home, with the speech and the ceremony behind him, he would be quite elated over the proceedings and the congratulations which he invariably received.

I was present at the last function in 1908, when he was far from well, being still quite lame from an attack of gout; nevertheless he got through his speech to Lord Brassey very successfully, although he could not attend the lunch presided over by Mr. Wyndham. The ceremony is a picturesque one, the various officials of the Ports, preceded by attendants, carry their different badges of office, and wind up the Castle Hill at Dover to be received in the old Keep there.

Until my father took silk, there was a most busy time at his chambers. He was a tremendous worker and never spared himself, but would work far into the night, deliberating over his cases and polishing up his arguments.

Among his pupils were the two judges, Sir Bargrave Deane (one of his most loyal friends), and Mr. Justice Sutton; but Mr. Frederick Thompson was the one to whom he turned in all legal matters from that time onwards. My father always said that his knowledge and intuition about law amounted to genius, and that he presented an almost perfect example of the real 'equity mind'—a gift which my father, a sturdy champion of the Common Law, would laughingly declare that he regarded as a holy mystery. If Mr. Thompson's opinion differed from his own, he would ponder and hesitate till he had definitely convinced himself of the justice of either view. Mr. Thompson was a connoisseur of many things; but the family rather

rebelled against having to consider him an equally sound arbitrator on the merits of cookery, wines, music, the stage, pictures, and house decoration. My father went abroad once or twice with him, and also stayed with him in Scotland. After his death Mr. Thompson writes:

> The contribution by Claude Montefiore to the *Jewish Chronicle* contains an admirable appreciation of the great nobility of your father's character, a quality supereminent in him beyond all I have ever known or heard of.

A great favourite of my father's was Mr. Inverarity, now the foremost advocate of the Bombay Bar. It is said of him that a small flotilla of boats awaits his arrival in the port, to see which litigant can be the lucky one to retain his services first.

It always gratified my father to know that Mr. Inverarity took with him copies of his opinions, and that he constantly referred to them. This was one of the several instances of the sympathy between the man of sedentary life and the man of adventure and action, for Mr. Inverarity used to be a celebrated big-game shooter, and greatly interested my father by his accounts of his experiences. Once, after hunting a lion and breaking its jaw, the beast retained sufficient strength to spring on him and throw him down. He was saved by some of the natives rushing in and beating the lion off with the butt end of their guns, but not before the lion had clawed his arm and given him a wound sufficient to have proved fatal to a man of less robust constitution. He was taken to Aden and there nursed back to health. He told us that the Resident begged him not to give too large a reward to the natives for their bravery. He therefore assembled them before him and made them a little speech, presenting them each with a small heap of rupees. He inquired of one man what he intended to do with the money. The man replied that he was not sure whether he should buy two camels or four wives, which certainly justified

the Resident's advice. On another occasion Mr. Inverarity showed his extraordinary coolness by succeeding in taking photographs of a lion about to spring on him. Till my father's death Mr. Inverarity never failed to go and see him in Chambers on his hurried annual visits from India through London to his Scotch moor. He had a bad operation in 1912, at the same time as my father, who was full of anxiety about his friend's progress, whilst Mr. Inverarity's first visit from his nursing-home was to my father in his.

He wrote to me as follows:

Rosemont, Montrose,
Nov. 9th, 1914.

My dear Miss Cohen,

I was very sorry to see in the *Times* the announcement of your father's death. I entered his chambers in 1869 and owe, I consider, what success I have had, principally to him who instilled into me the love of the law. I had a great regard for your father, whom they ought to have made a Lord of Appeal years ago. I advised him not to refuse the judgeship offered to him but he followed the advice of Jessel and he did so. I felt your father's death very much, and shall miss him on my short visits to London. I am starting for Bombay on November 14th.

I have already quoted from Mr. Hollams, one of his other pupils. There were also two brothers, Augustus and Henry Warr; the former became a great Liverpool solicitor, whose opinion my father said he would prefer to take to that of any other solicitor. He married a sister of the first Lord Gorell, whose widow writes:

I remember so well my husband telling me that once when he was still in a solicitor's office in Liverpool and hesitating whether to go to the bar or not, some one said to him: 'Do you think you could ever equal Cohen?', that being the high-water mark of achievement. He also did attain (*sic*).

Henry Warr was a characteristic Irishman, not very

fortunate, and for many years my father let him have a room in his chambers. He was a most witty man, and if only he were alive, he would have many interesting tales to tell of the life there. He was a great friend of Mrs. Brookfield, the celebrated beauty and friend of Thackeray. We knew her through him, and my father had a great admiration for her graciousness, beauty, and soft, 'cooing' voice. Nor ought I to forget Mr. Proctor, a cheerful little man, who liked to tell stories of my father trying to fish or shoot in Wales. The others are mostly only names to me. Mr. Israel Davis, who has supplied me with some of the facts of this period, was among the pupils, and he names Stokes, now Registrar of the Admiralty Division ; John Gompertz Montefiore, a connection ; Mr. Robarts, afterwards City Remembrancer, whom my father helped later when he got into difficulties ; and Mr. Wood Hill, to whom he used to give some of his insurance work. They all spoke with affectionate appreciation of the long clay pipes supplied in Chambers, and tell of my father coming in smoking, and ready to sit up to any hour to discuss the 'Law.'

During this time he was put on the Plimsoll Commission for unseaworthy ships, a subject which much interested him. He was always most partial to sailors, though he told many a story as to their untrustworthiness as witnesses.

It must have been now, when he was very anxious to enter politics, that he had lessons in elocution from a Mr. Plumtree, a queer old man with a head of shaggy hair, which he used to shake back with a great snort before beginning to recite one of the speeches from Coriolanus or Julius Cæsar, much to the amusement of us children. His great theory was, 'to breathe through the nose,' which seemed to necessitate a most obvious drawing in of breath, and tremendous mouthing afterwards. Well do I remember my father's enunciation of 'Friends, Romans, countrymen,' the speech

being delivered with immense and ponderous energy. I feel sure that Mr. Plumtree was a very bad teacher, for my father was never considered to produce his voice to the best advantage in public speaking. It was quite otherwise in ordinary conversation; Joachim, the great violinist, happening to overhear him talking, asked whose voice it was, saying that it had the most beautiful timbre of almost any voice that he had ever heard. He spoke slowly and distinctly, every word deliberate and well chosen. But in public speaking perhaps the rise and fall of the voice might have been better managed—though the tones were always melodious. He had a great dislike of what he called 'slovenly' speaking, and was always anxious that his children should 'enunciate well.'

In connection with this, an amusing incident happened. The late Mr. Brookfield (the actor) was engaged through Mr. Warr, as quite a young man, to give us lessons in elocution. He came one morning, and we thought him as shy as, and perhaps more nervous, than we were. But only years after did we discover the cause. It seems he had mistaken the number of our house. He had rung at the wrong door, and had been shown into a drawing-room, where there happened to be a girl and her mother. He began the interview by, 'Perhaps we had better start with a play of Shakespeare.' After the consternation caused by this *débût* one can imagine the young man's embarrassment at having to proceed to his new and critical pupils.

My father studied greatly the art of public speaking. His enthusiasm over an eloquently delivered, well-expressed oration, would sometimes make him curiously indifferent to what might be the intrinsic value of the speech.

In his note-book are the following remarks:

The debater does not ask what is true, he asks what is the answer to this.

Study plainness of language, shortness of sentences, distinctness of articulation; test and question your arguments beforehand.

Seek a thorough digestion of and familiarity with your subjects, and rely solely on them to find proper words.

Remember that if you are to move an audience you must, besides thinking out your matter, watch them all along.

By habits your thoughts and diction will flow together.—*Johnson.*

'Hampden's speaking,' says Macaulay, 'was of that kind which has in every age been held in the highest estimation by English parliamentarians, ready, weighty, perspicuous, condensed.' That may be also said of Asquith's speaking.—*A. C.*

CHAPTER IV.

In April, 1880, came the opportunity for which my father had been preparing; he was asked to contest a by-election in the borough of Southwark, which then included Rotherhithe and Bermondsey.

There are two answers, evidently written in reply to my mother, asking for help in the election; one from Sir Moses Montefiore, the other from Miss Frances Power Cobbe, one of the first movers for women's rights, as well as an authoress of books on theology—a witty Irishwoman. She was a great friend, and her answer is so characteristic that I give it in full:

I am much diverted at your treatment of me as so completely 'feminine' in my ideas (according to the old standard) as that I should as a matter of course work tooth and nail for the return of a personal friend even if I wholly disagreed with his politics. I assure you I would do no such thing, and that I refused point blank to help one lady candidate for the School Board, though we were excellent friends, because I greatly differ from her on very essential matters.

I am happy to think I am in no such predicament as regards Mr. Cohen, and I only wish I had any influence worth having to be of use to a man whose whole character (don't tell him I said this) has my very warmest respect, and with whose views on almost all subjects I have such sympathy that I could feel sure he would never go far wrong.

As to Conservative and Liberals, I find it now quite impossible to say which party—as a party—seems least unsatisfactory. But it is a very small matter to you or anybody else what I think on party politics. Even if Mr. Cohen will not vote for Women's Suffrage, I know he will not support Vivisection, and that is a matter I have nearer at heart, thinking it (small as it seems) to go very far to the root springs.

March 10*th*, 1880.

My dear Emmeline,

I thank you very much for the pleasure you have afforded me by the perusal of Mr. Gladstone's letter to Arthur. The very high opinion he entertains of him is indeed most gratifying to me, and must be to all his relations and friends, and I can with truth avow all he says is due to him.

I do with sincerity assure you that it would be a great happiness to me to see him occupy the honorable and distinguished position of that of Member of Parliament, and I am confident that no Constituency could possibly have a more honest and able representative. I heartily wish him every success. I truly regret that my feeble state of health will not permit me entering into any excitement. I have been confined to my house for the last four months, and to my bed for the greater portion of that time, and my medical attendant assures me he cannot be responsible for the consequences which might arise from the least excitement or agitation.

Nevertheless, be assured of my earnest wishes for the realisation of whatever may tend to the happiness of yourself and dear Arthur, and with kind regards to you both and the young ones,

Believe me, my dear Emmeline,
Very sincerely yours,
Moses Montefiore.

This is signed in a very shaky hand, and must have been dictated five years before his death at one hundred years of age.

Then follow two letters from Mr. Gladstone :

Edinburgh,
24*th March*, 1880.

My dear Sir,

I had thought that my sentiments on the subject of your letter were sufficiently declared in my letter of the 28th to Mr. Hirsch, published in the *Jewish World* of December 26th. I then declared in what sense my own efforts had been, and would be made, and in what manner others might assist towards rendering them effectual. Nevertheless, attaching a great value to your success, both as a liberal and personally, I have sincere pleasure in acceding to your wish that I should again state my desire to see the Jewish race relieved in every

country of the earth from every penalty and every disability attaching to them on account of their religion.

I have for, I think, about fifty years uniformly worked on this principle, alike for Jew and Gentile, indeed, with respect to the Jews in particular, I may mention that in 1847, after being elected as member for the University of Oxford, I gave a marked support to the removal of the Jewish disabilities, and this support was the main reason why I had to encounter the opposition of the Tory party in a contest at the next General Election.

I remain, dear Mr. Cohen,
With warm good wishes,
Faithfully yours,
W. GLADSTONE.

March 30th, 1880.

DEAR MR. COHEN,

I always feel a certain amount of difficulty in recommending a candidate to a Constituency, as the act should seem to savour of undue interference, and in your case it is needless for me to describe qualifications and distinctions which are as notorious to the public as they are to me. I will therefore trust myself to a description of my own feelings in the matter.

I regard with peculiar interest the next contest for the Borough of Southwark, which has its ancient fame to recover, and something more than a defeat to retrieve.

That interest naturally extends to the candidates who may be selected by some process which I hope will not be misleading, and among the candidates now before the world who have not yet sat in Parliament, there are few indeed whose success I shall congratulate with such perfectly unmixed and lively pleasure as your own.

I am, my dear Sir, faithfully yours,
W. EWART GLADSTONE.

It was evidently considered needful to elicit from Mr. Gladstone as explicit a declaration in favour of the Jews as possible, although in these days they had so few representatives in Parliament; and my father was so popular among them that there was little fear of their not voting for him, and his West-end connections were very loyal in giving him any help which they could. At that time the question of an Englishmen first and a

Jew after had not arisen. They were only too delighted to secure the election of so distinguished a co-religionist.

At the first important meeting when my father addressed his future constituents, the Duke of Devonshire, then Lord Hartington, came down, with various other well-known Liberals, to support him. We were all ardent Liberals just then. How well I remember driving down for those evening speeches: the dark embankment, and the twinkling lights of the bridges, and then, after crossing Blackfriars Bridge, the endless, monotonous, sordid streets of the Borough. My mother and I were not called upon to do any canvassing; but how my brothers disliked climbing up those unsavoury stairs of the tenement houses! To my father, I think, the whole contest was pure, excited enjoyment. He made himself immensely popular everywhere. As usual, he was very nervous before he was on his feet. There was always a bottle of eau de Cologne in his pocket, with which he copiously saturated himself. When I used to express wonder at his anxiety, as he was so accustomed to speaking, he would cite most of the best actors and orators as being affected in a similar way.

Southwark was then a two-seated constituency; and opposed to my father and Professor Thorold Rogers were the sitting member, Sir Edward Clarke, and Mr. Catley, a strong local candidate. Sir Edward had only won the seat two months previously at a by-election, with a majority over both his opponents, the third by-election gained by Conservatives.

'So striking a result,' says the Annual Register, 'in a Borough in which the Liberal side had from 1832 to 1870 been all-powerful, was hailed by the supporters of the Ministry as conclusive proof that the Country was with them. Indeed, it is practically certain that it was the result of the Southwark election that finally decided Lord Beaconsfield that he could dissolve Parliament and safely appeal to the Country again.'

Therefore this, as a test election, was watched by both parties with great interest. Great was the Liberal triumph when my father headed the poll, followed by Professor Thorold Rogers. On the declaration of the poll, Sir Edward Clarke made a very generous speech, but almost broke down at the thought of having to resign a position so recently won.

Among warm letters of congratulation I only quote the following characteristic note from Lord Esher :

Neath Farm, Watford,
5th April, 1880.

My dear Boy,

I cannot help congratulating you on your success notwithstanding your infernal politics. You will do us credit, you will rise like a star in the East.

Ever yours,
M. Baliol Brett.

Lord Esher was in the habit of frequently sending little pencilled notes from the Bench down to my father, beginning, ' My dear son in the Law.'

On the platform my father was most successful. He was very ready if interrupted ; his grand and yet genial manner impressed his audience. In spite of his being sometimes carried away by the excitement of party politics, so that he would give some rather vehement thrusts at the opposite party, my father always said : ' Do not talk down to the working classes.' At times he might be led to proclaim doctrines more advanced than those to which he would have wished to subscribe in more sober hours, but there were few of his speeches that did not have some train of thought or nobility of sentiment to raise them above the commonplace. The influence of the great orators of a former generation, especially Burke, made itself felt.

He had genuine sympathy with the working classes ; in his youth he had lectured on mathematics at the Working Men's College, and knew Maurice and Frederic Harrison, their great champions. He was

much gratified by more than once being greeted by his old students, several of whom helped him in the election. He was always an idealist, and even in matters of policy was inclined to base his judgment on what would suit an ideal world rather than one such as we live in. Even before the Irish question became as acute as it afterwards did, he would quote Burke's famous dictum as to the right of every people to be governed according as it wished. In theory he was a Home Ruler before Mr. Gladstone divided the party on the subject; therefore when the split in the Liberal Party took place, he had little hesitation in following Mr. Gladstone.

He might now be considered to have reached his high-water mark of success. He was named in one of the principal papers as one of the possible law officers to the Crown; but the posts fell to Lord Russell and Lord Davey, both of them friends of his.

In February, 1881, comes the following offer of a Judgeship:

From Lord Selborne.

[Private and Confidential.]

10 *Downing Street*, *Whitehall*,
26*th Feb.*, 1881.

My dear Cohen,

I must ask you, whatever reply you may give me, to keep the subject of this letter strictly to yourself, until after I have taken the Queen's pleasure about the vacant judgeship: H. M. is justly displeased when appointments are mentioned before Her pleasure has been taken.

With this preamble, I have only to ask you whether you will accept the Senior of the two places upon the Bench, which have now to be filled? I hope you will. Pray answer me as soon as possible.

Believe me,
Very sincerely yours,
Selborne.

We were at Brighton at the time, and my father came down there, naturally much gratified at the offer,

but very perplexed as to what to do. From his youth upwards his ambition had been to be one of the Law Officers of the Crown. He had hardly been a year in the House, and he was keenly interested in politics. He also delighted in exercising his powers in Court against a worthy opponent, and in convincing an unwilling judge by some weighty, unexpected argument. 'Am I really to retire to the Bench, and become a member of the Athenæum Club?' he somewhat gloomily asked. My uncle, who had come down to Brighton, was strongly in favour of his accepting, as was Sir George Jessel (then Master of the Rolls), a co-religionist, and a man for whose legal judgment and extraordinary quickness of decision he had a great regard. Finally it was decided that he should consult Sir Vernon Harcourt on his return to town. The latter assured him that if he should decide to refuse the offer of this Judgeship, in order to devote himself to politics, he could be always certain of another at a later date.

In the end the decision did not rest with him, for on his return to London a message from Mr. Gladstone awaited him, telling him to disregard the offer, in order to avoid an election in the Borough, as it was feared that it might prove unstable in its allegiance to Liberalism. My uncle wired to my mother the next morning: 'Your husband is in high spirits, he has refused!'

The Judgeship was given to his great friend, afterwards Lord Justice Matthew, who in 1901, on his elevation to the Court of Appeal, writes as follows:

16 Queen's Gate Gardens, S.W.,
23rd October, 1901.

My dear Cohen,

How can I thank you for your kind letter. I am grateful that I have had your friendship without a shadow for more than forty years. None of my old comrades has been more respected and valued or has had a more honorable and successful career.

Your kindness to me and mine has been a source of great pleasure and gratification.

I am, my dear Cohen,
Very sincerely yours,
J. C. MATTHEW.

It was always understood that the sacrifice to party calls was to be a temporary one, and that a Judgeship should be his when he was ready to take it. After the election of 1885, however, Lord Davey and Sir R. Reid (now Lord Lord Loreburn) became respectively Attorney and Solicitor-General, while Lord Herschell was made Lord Chancellor. From some unexplained cause, Lord Herschell never advanced my father's claims, possibly he was anxious to gratify those politicians who made their claims more insistently felt. It was of him that Lord Justice Matthew wittily remarked, 'What can Cohen expect of Herschell but a Passover?'

During the long Conservative administrations the claims of party also proved too strong for Lord Halsbury, and though his letters show that he had a great respect for my father's abilities, the judicial vacancies were always filled by members of his own party. Each new judge would write in reply to my father's congratulations that he considered my father himself was entitled to a seat on the Bench.

Letter from Lord Russell of Killowen.

13th May, 1894.

MY DEAR COHEN,

I was greatly gratified by your letter. You have always been a generous friend. I hope the time is not distant when I may be able to congratulate you on being where you ought long since to have been.

From Mr. Justice Stephen.

24 *Cornwall Gardens, S.W.*,
12th June, 1879.

MY DEAR COHEN,

Thank you very much for your kind words of congratulation. You are one of the few people to whom I can frankly

say that I know how much I have to learn of many members of the profession of which you know much more than I and yet it is a comfort to me to know that I can rely safely on your help in learning my duty in such matters. I hope before very long we may sit side by side.

Ever sincerely yours,

F. STEPHEN.

The following is a letter from Lord Loreburn (the former Liberal Lord Chancellor), in answer to one of mine, asking for reminiscences of my father :

House of Lords.

I knew the late Arthur Cohen from the commencement of my life at the Bar down to the time of his death, and if I can help in conveying to those who come after some sense of his great attainments and broad human sympathies, it will afford me much pleasure. Some people might think that to say of a man that he was one of the suppressed personalities in the Nineteenth Century is not a compliment. In my opinion it is one of the greatest and kindest compliments that could be paid to any man, when the reason of it is stated at the same time. The sole reason of it in Cohen's case was that he had less personal ambition and a more complete indifference to his own advancement than any public man I have ever met. That was the dominant characteristic of his career at the Bar and in public life so far as I could discern. I believe that he literally did not care whether he became a Judge or not, and did not care whether he became a Minister or not, or even whether he remained a Member of Parliament or not, because there was a certain aloofness in him from the personal aspect of these things. At one time there was a very general feeling at the Bar that he ought to have been promoted to the Bench, a feeling in which I strongly shared. I went to him and expressed myself very strongly in that sense. He said he thought he might have been too old, and proceeded to make a series of half-humorous excuses for the apparent slight—a very real slight in our opinion at the Bar—which had been put upon him. Altogether he left the impression on my mind that he was quite too happy in the comradeship of his profession and in the interests of his domestic life to trouble himself about such trifles. The Bar is a very just and a very generous profession. It attaches great importance to the selection of judges, and while I have seldom known any open disapproval of an

appointment when once it has been made, I have on several occasions known of deep disapproval when a worthy name has been overlooked. Let us hope it will always be the same ; but I never knew a regret so general or so strongly felt as when Cohen, in the plenitude of his powers, was—so far as the Bar knew—overlooked. Perhaps, however, he was offered this position and declined it. It would have been just like him to decline it, for I remember his saying to me once that he thought it a very serious duty to discharge, and he had much more confidence in the capacity of his friends than in his own capacity ; wherein he made a great mistake. But when you have to deal with a man who is extremely able, extremely modest as regards himself, and extremely appreciative of whatever good qualities are to be found among his friends, you must not be surprised that what are called honours or dignities go in other directions. My belief is that he would have added greatly to the strength of the Judicial Bench, but that he did in fact add greatly to his own happiness by remaining at the Bar, and that is the great thing.

It would be almost an impertinence on my part to speak of Cohen's great legal attainments. They are well known. He knew law scientifically, and in his arguments treated it scientifically, not merely as an advocate but as a real master of his subject. And though he always did his bounden duty to present his client's case fully and fairly to the Court, he never took a false point. His success at the Bar is a proof, if any were needed, that a man can do justice to his clients and at the same time do justice to himself at the English Bar. We who are Barristers know that this is so, and that is the secret which has made admiration of justice in England so upright and so independent.

I do not think that Cohen ever cared very much for what is called political life, the life centred in the House of Commons. He was not unlike the late Lord Macnaghten in this respect, who told me once, about the year 1884, that the longer he lived the more he liked the law and the less he liked politics. Shortly after that time Lord Macnaghten became a Lord of Appeal, and one of the very greatest Judges we have ever known in this country. Cohen never said exactly the same thing, but I think he felt it. He always expressed deep interest in public affairs and always took a broad liberal view. No man could be more staunch or more tolerant. But public affairs are one thing and politics may be quite a different thing. What he seemed to find interesting was the product, not the

machinery by which it was attained. It is probable that he took a very languid interest in the orations and perorations that used to evoke loud cheers in and out of Parliament, but somehow left the impression of indistinctness and purposeful ambiguity in the mind of an attentive hearer. I never heard him address a public audience, but have often heard that he was himself an effective and convincing speaker when he was prevailed upon to address a meeting. But he was essentially a man for reflection and not for display. What was once said and written about Lord Roberts, that he did not advertise, could with truth be said about Cohen. He never advertised, and if that was a drawback to him, it was a drawback only in the petty race for notoriety which was utterly alien to his nature, and it endeared him to his friends.

When a generation has died out, a few names linger in public memory for ten or twenty years, still fewer survive in that evanescent record for thirty or forty years, and one or two may for good or evil subsist a century. Occasionally a name may be perpetuated either as a household word or a byword. By far the most enviable destiny is that a man's memory should be cherished by those among whom he moved and lived, as that of an honorable sincere gentleman. If to that can be added that he was a man of great talent, of unpretentious learning, who never said or did an unkind thing and was rewarded by the esteem and admiration of his comrades, one seems to describe the result of a life truly to be envied. All this can be said with truth of Arthur Cohen.

LOREBURN.

I may mention that it was always a pleasure to my father to argue before Lord Macnaghten, of whose intellect he shared Lord Loreburn's opinion.

On reading these letters it seems probable that not only my father's inability to press his own claims or desires, but his pride in concealing them, may have been largely the cause of his not meeting with official recognition in spite of the respect which his character and legal attainments universally inspired.

Lord Bryce writes:

Arthur Cohen always seemed to me to possess one of the finest minds of our time, for he combined great penetration and great subtlety with a no less remarkable breadth of view. It

was not often that I had the good fortune to meet him in consultation or have opportunities of discussing legal questions with him, but on all such occasions I was struck by the way he had of regarding law as a fine art. He enjoyed the process of tracing out a legal principle and applying it to the circumstances of a particular case. He brought to the process not only a scientific spirit but what one might call a perception of the beauty of principles, justly grasped and delicately applied. He spared no pains to examine a question on every side till he had exhausted all the considerations that would bear upon it, testing every argument advanced, and when he had reached his conclusions, he expressed them in language of singular grace and precision. In arguing a fine point of commercial law few of his contemporaries equalled, and certainly none surpassed him. The accuracy and the exactness of logical deduction which the mathematical studies in which he excelled had given him, made his opinions in difficult cases read like pieces of scientific work. He was too good for a jury; but his arguments before a bench of judges showed his powers at their best. No one of his contemporaries was better fitted than he for a seat in the Court of Appeal. He was one of the few practising barristers of his time who was a jurist as well as a lawyer, and when the British Academy was being founded fourteen years ago every one felt that he must be invited to join it as an eminent representative of legal science.

The House of Commons was less congenial to him, as indeed most persons of a scientific cast of mind find it a bad place for the investigation of truth, because its atmosphere is highly charged with strife. He was, however, keenly interested in politics, and reflected much upon the principles both of foreign policy and of domestic legislation. On the few occasions when he spoke on questions raising those principles he was listened to with great respect.

This respect was paid not only to his intellect but to his character, for he was in all the relations of life singularly conscientious and high-minded, a model of personal and professional honour. One of the things that made his friendship valued was the candour and fairness of his mind. He seemed always anxious to find the truth, and to do justice to every one; and, though his strong disapproval of unworthy conduct made him sometimes speak severely, there was never any personal bitterness in his censure. His thoughts moved on a higher plane.

He sat for Southwark from 1880 to 1887. It was a most strenuous time; party feeling ran high, there were momentous questions before the House, and there were great statesmen to be heard on either side—Gladstone, Bright, Chamberlain, Lord Hartington, Lord Derby, Lord Randolph Ghurchill, and Mr. Parnell. My father was deeply interested in the questions of the day. There were the great debates on the Bradlaugh question, on the legal aspect of which he wrote; on the Employers' Liability Act, about which he was consulted. And above all there was the Irish question. How well I remember him pacing up and down our lawn at Holland Park, deep in debate with his friends as to the provisions of the Land Act. About the summer of 1880 he writes to my sister who was staying with one of our Behrens uncles, who held opposite views to his own; and also another letter of about the same period:

House of Commons, 1880.

DEAR MAGGIE,

Many thanks for your note, I am very glad to hear you are well. Your mother and Lucy seem to be thoroughly enjoying the journey.

I do not bestow unlimited praise on the Government. I think the Irish Bill bad, and there was a fortnight ago in the *Times* a long letter signed 'a Liberal M.P.' and written by me in opposition to the Bill.

I think the Employers' Liability Bill most imperfect. But I consider their Hare and Rabbit Bill in the main good, Gladstone's Budget excellent, and as far as one can judge their foreign policy wise. I admire Gladstone's untiring energy, which is enough to excite enthusiasm in any one; and consider the Opposition malicious and obstructive, and desire to see it again follow its natural leader, Sir Stafford Northcote, instead of Sir H. D. Wolff and Lord Randolph Churchill.

Moreover the Opposition has given nothing but negative criticism.

If they had proposed a good temporary measure for Ireland I think they could have beaten the Government. But to use my own words 'in the present condition of Ireland negative criticism is worse than useless.'

Tell your uncle Adolf that the articles in the *Pall Mall Gazette* on the Employers' Liability Bill as well as the last article in the *Times* on the subject were substantially mine. That is to say they were written by men with whom I had argued the question and who had adopted my view.

I shall certainly come down as soon as I can, but law work is now coming in. London is hot and disagreeable, and I long for the country, especially Switzerland.

From A. C. to L. C.

6 *Holland Park, W.,*
16th July, 1880 *or* 1882.

My dear Lucy,

As your birthday is close at hand, I will indirectly answer your mother's letter to you.

Let me at once wish you many happy returns of your birthday—a wish I look forward to expressing to you most heartily next Sunday when I see you. To see you happy makes *me* happy and you have therefore not to thank me for wishing you everything you, in your most cheerful moods, most desire.

You were my first child in point of birth, and you are certainly as you know, not my last child in point of affection.

I went to Fawcett's meeting yesterday, I was in extremely good voice and form and made I think a capital speech. I am sorry it is so shamefully reported. I must cultivate the men of the Press a little. I received quite an ovation, and Fawcett seemed much pleased. We both spoke on the same lines, in a gentlemanly tone, and without abusing the Lords. Gladstone's name was received with an extraordinary tumult of applause.

I am invited to dine with Bryce this evening and shall go unless I am prevented by legal work. I have few cases in Court and many to advise on.

I am very sorry to hear that my youngest child is not well but I trust the good air will soon set her right. London is very hot and disagreeable and I envy you in the country. Every one seems longing to get away, at the same time that the anticipation of having to harangue ever so many meetings weighs heavily on our minds and most of us (with the exception of the extreme Radicals) are hoping against hope that peace may be brought about on Thursday. If not, I think the struggle will end in a great alteration of the Lords.

Your affectionate Father.

This first letter shows what was of constant occurrence with him—he would write and think and talk on a subject and impart his views without reserve to those who were less loth than himself to come before the public. If his views were adopted, he would be perfectly content, even if he were not acknowledged to be the originator of them.

Often and often he went down to the House of Commons fully intending to speak, and impregnated with his subject; but in answer to our inquiries the following morning, he would intimate that a sudden diffidence had overcome him, and that instead of speaking himself, he had left the subject to other men whom he may even have prompted to speak. He only spoke once or twice in the House, and then on the legal aspects of the questions in point; but he did not catch the temper of the House. He entered it rather too late (at fifty) to be able to throw off the elaborate manner that was accepted in the Law Courts, the slightly ponderous, impressive, slow style of speech, sometimes rather ornate, which did not lend itself to the character of debate in the House of Commons. He was too sensitive to attempt to overcome his first want of success in the House by practice, and to seek to capture his audience by the power of his intellect and by his great knowledge of commercial and international law, and very rarely hazarded raising his voice in that critical assembly.

But although he did not take an active part in debates his opinion and advice were sought by the politicians, and the interest he showed in listening to them never flagged. During the days of obstruction of the Irish measures he would sit through the all-night sittings and come back thrilled by the speeches of Mr. Gladstone.

Years after my father quotes from Bagehot:

'Gladstone had the soul of a martyr with the in-

tellect of an advocate'; to which he adds the following notes :

'He is an ardent enthusiast, a most acute logician, a consummate advocate, an extraordinary debater, but not an original thinker, nor a simple thinker, nor a creative intellect. (A.C.).'

It is only fair to add that he quotes passages from authors who express a less qualified appreciation of Mr. Gladstone. As regards mere liking, though my father knew both, only very slightly, I think he was more drawn to Disraeli, but he considered that he had altered the character of Conservatism by lowering the Franchise, and that the party had therefore lost its logical basis.

The luxuriance and boldness of his imagination appealed to my father, whose admiration for Mr. Gladstone rested on his earnestness, and the extreme enthusiasm and eloquence with which he espoused any cause that moved him, and the clearness with which he propounded his measures, especially his Budgets.

My father was also much more interested in measures of social reform than in questions of foreign policy, but he seems to have thought a good deal about the Colonies, and quotes from one of Disraeli's speeches in 1872 :

> Self-government, when conceded to the Colonies, ought to have been conceded as part of a great policy of imperial consolidation. It ought to have been accompanied by an imperial tariff, by securities for the people of England, for the enjoyment of the unappropriated lands which belonged to the sovereign or their trustees, and by a military code which should be precisely defined, the means and the responsibilities by which the colonies should have been defended, and by which if necessary this country should call for aid from the colonies themselves. It ought to have been accompanied by the institution of some representative council in the metropolis which could have brought the colonies into constant and continuous relations with the home Government.

My father adds :

Disraeli confessed that he had himself at one time been so far caught by the subtle views of the disintegrationists that he thought the tie was broken. Opinion in this country was at last rising against disintegration. The people had decided that the empire should not be destroyed. The whole passage should be read.

The murder of Lord Frederick Cavendish had come to my father as a dreadful shock. On the Sunday morning on which he first heard the news, he came into the room looking quite white, and saying the news made him feel positively sick. He had perhaps never thoroughly realised the bitterness of feeling on either side. He lived in the realm of thought, and he was himself so calm and tolerant that insensibly differences and disputes took on a softer aspect in his presence.

I remember Sir John Butcher, an ardent Unionist, saying that he hardly knew any other house where men of such opposite opinions on burning topics could meet and even discuss those topics.

An instance of this is shown in an early letter by me (1885), written from the house of one of my Behrens uncles :

A Mr. Thornhill, the Conservative whip, dined with us, a most amusing man, and Papa was so friendly and sided so much with him that he said, 'After all, I believe Mr. Cohen and I don't disagree so much'; and yet he was a man who, when Mama had said Gladstone's speech had had an immense effect on the House, had said : 'Well, I don't know, if I had been asked, I could have kicked him in the middle of it—beast.'

About the same speech my mother writes :

Gladstone's speech must have been a wonderful piece of oratory, your father came home like a madman after it, so intoxicated with wonder and admiration. The House seems to have been electrified, and not one man was ready to reply. It is marvellous after all his misdeeds and no deeds, and I wonder if this time again it is only 'words, words, words.'

In his note-book he quotes :

A wise Tory and a wise Whig I believe will agree. Their

principles are the same, though their modes of thought are different.

My father adds: 'This was actually dictated by Dr. Johnson.'

I think that the life-long friendship with Professor Dicey must have begun about 1870. Professor Dicey writes:

I certainly never knew intimately any one who brought so much intellectual power to the solution of legal problems. I certainly speak of this matter with knowledge, for in every law-book I have written, except the first, which gained for me the real blessing of his and your mother's friendship, I have profited more than I can say by his help and advice.

Their views on Home Rule were opposed, but each was always willing to listen to the other. My father took great pleasure in visiting Professor and Mrs. Dicey at Oxford. These visits usually took place on the occasion of the Meetings of the Law Club at All Souls, when an informal discussion on a chosen subject would be held in the Common Room after an excellent dinner in Hall, presided over by the Warden, Sir William Anson.

Professor Dicey dedicated his book on The Conflict of Laws to my father:

To Arthur Cohen, one of Her Majesty's Q.C.'s, whose mastery of legal principles is surpassed only by the kindness with which his learning and experience are placed at the service of his friends.

In the preface he says:

From my friend Arthur Cohen I have received help which in the strictest sense was invaluable. His advice has often removed difficulties with which I should not myself have been able to cope, and any novelty which may be found in the book is due in great measure to his ingenious and fertile suggestions.

My father wrote: 'This is very generous. Is it not? You might send this to your grandmother, it may please her.'

On my father's death Professor Dicey writes as follows:

ARTHUR COHEN.

The Orchard, Oxford.
5th November, 1914.

My dear Miss Cohen,

If, as may well be, you don't feel in any spirits to read letters about your father just put this on one side. It is written far more for my comfort than from any belief that letters of sympathy can be worth anything in the way of consolation. I was of course all but certain I should never see your father again after the last time I saw him at Hindhead. I have been constantly thinking of him, and especially of the happiness and blessing to me of my friendship with him and I may add with your mother since my first acquaintance with him in 1870. What fixes the date in my mind is that he first began what soon grew into a real friendship by his letting me know that he thought well of my first book, Parties to Actions. It has become quite obsolete through changes in the law, and would never have been readable by any one but a lawyer, yet as it cost me more and longer labour certainly, so in my own judgment, it was a better book than any other I have ever written. It is always connected in my mind with two very striking characteristics of your father, the one was his great generosity in recognising any merit that he saw in the work of other men, and especially of younger and unknown men, the other was his extreme interest in law as a branch of knowledge quite independently of law as a path to professional success or honours. I have known three men, of whom he is one, who were by nature endowed with high mathematical talents, they were, though they all excited my deep admiration, very different from each other. But they each had a fairness, calmness, and one might say greatness as well as power of mind which is certainly rare in men even of considerable talent. Hence I have formed a belief that a real genius for mathematics has a certain connection with high-mindedness. I write at any rate impartially, for, to my great sorrow, I am personally absolutely without mathematical capacity.

Whatever may be the truth of my theory, I am sure your father had a sense of justice and reasonableness which is very rare in itself, and not, to speak in moderate terms, particularly characteristic of the English lawyers.

I cannot tell you how much his kindness, his sympathy, and his honest criticism has helped me, again and again, in writing of law books and lecturing on law. Nor can I exaggerate the feeling of loneliness which your father's death gives me. With

the exception of Harry Bonham Carter I can't recall a single friend older than myself who is now living.

I do hope you realise how much your father was honoured and respected by all who knew him. He was, as I think I have told you, once described to me by a judge of the High Court as a man who would long have been on the Bench if judicial appointments were made by judges.

Every one I am sure rejoiced at his being made a P.C. and every one whose opinion could be worth having felt he ought long ago to have had a seat in the Court of Appeal. I have often regretted that he was not on the Bench. I fully believe that the reason he did not receive honours that were due to him is that he utterly lacked the gift of pushing forward himself and his claims, and as one looks back one is happy to think that to all his moral and intellectual gifts this talent for pushing was not added.

Forgive me for troubling you with so long a letter.

Yours most sincerely,

A. V. D.

Unless roused by very congenial company my father was not at all given to expounding his own views. There must, however, have been something in the manner in which he spoke, and a certain emanation of greatness from his character, that always impressed people, and made them listen with attention to what he *did* say. There was something aloof and lofty about him which never failed to make its mark, yet he never tried to impose his view on others. It was, in fact, difficult for him to express disagreement with any one, except perhaps in matters of law. Lord Loreburn writes: 'I think he was one of the straightest and the *most tolerant* men I ever knew.' The consequence was that Conservatives consoled themselves by saying he was not one of the modern Radicals, and that, but for the loyalty to his party, he would have shared their own views on many matters, whereas the Liberals prided themselves on retaining his undivided allegiance.

He certainly possessed all the qualities of a judge—a willingness to hear both sides of a question, and the

power of weighing the arguments on either side before making a decision; and yet, though it may sound a contradiction, in spite of his being so much governed by reason, there ran a vein of intuition in him which made him come to a conclusion almost independently of conscious thought. His first instincts about people or questions were strong and very often correct and not easily overcome. Indeed, he had that intuition for what is vital that generally indicates a touch of genius; though with him this often might lie almost unperceived behind the opinion to which he gave vent. Smaller people would talk more easily and glibly, perhaps even more convincingly to a superficial listener; but if my father would allow himself to express a decided opinion, it was generally more worth considering than other people's. It might sometimes be disregarded, as it would often be very gently expressed and little enlarged upon, but 'in the quietness of thought' the justice and the wisdom of what he *said and felt* was borne in upon one.

On looking back, it is curious to think of Mr. Chamberlain, Sir Charles Dilke, and Lord Milner dining with us together, and all supporting the same Government. Lord Milner had been recently called to the Bar, and Professor Jowett, the Master of Balliol, suggested him as secretary to my father. He was at that time also writing under Stead for the *Pall Mall Gazette*, and was very much affected by Arnold Toynbee. I remember him telling me that the first step towards the improvement of the people was 'to teach them a noble discontent.' My father felt that his own political life would not offer scope enough to Alfred Milner, and that he required more of a lawyer than a politician to relieve him in his work. He fixed on a Mr. Duff, for whom he grew to have a great regard.

Lords Russell and Davey and Lord Justice Rigby were among the legal dignitaries who used then to dine

with us. My father had a great respect for the intellect of the two former, while Lord Rigby's robust common sense, power of thought, and ruggedness of expression always gave him pleasure. They often dined together at the Oxford and Cambridge Club, enjoying their wine quite as much as their talk!

The double work must have been terrific, and his legal work began to suffer. He would never go into Court, like many leaders, with his brief only casually glanced at, and depending on his Junior; nor would he accept a brief if he were liable to be called off to argue in another court. Many times, after he had worked hard at a case for many hours, and even days, he would return the brief if he found his other work likely to clash with what he considered a conscientious attention to his clients' interests. He was a slow worker owing to his habit of revolving in his mind every aspect of the case before forming an opinion. The emoluments accruing to him from his work weighed with him but little. My brother remembers how he once greeted him by saying, 'I have a splendid case to advise on.'

'What is the fee?' asked my brother.

'I have not the slightest idea, but the point raised is one of great legal interest.'

As the fee is always marked on the outside of the brief, there is hardly another lawyer who would not have glanced at it first.

During the period that he was in the House of Commons he would be so interested in the debates that he would often send back his briefs, unless they happened to be on some point that especially appealed to him, and accordingly the solicitors began to slacken in sending him work. At the same time great calls were being made on him by his constituency and party. His law work required a fairly early attendance at the Courts, but this never seemed to affect his attendance at the House. The drivers of the old four-

wheeled cabs knew him well. Regularly at 9.30 or 10 he went down in one to the Courts, reading his briefs, his clerk with him, and with equal regularity, he came home in one, often not before three or four in the morning. His generous fares won him favour among the men, and many an old 'Cabby' would give a look of recognition as he passed.

A hansom he abhorred ; the Underground he never used, except in a fog ; and only once in my remembrance did he enter an omnibus, a conveyance which his brother regularly patronised as uniting safety with economy. On the momentous occasion when, to please my sister, he went by omnibus, he got in slowly and majestically, observing, still standing up, 'I presume this balustrade (the rail at the top) is intended for the purpose of steadying the passengers.' The rest of the occupants of the vehicle looked round in astonishment at any one so innocent of omnibus travelling. He was curiously simple and unpractical, as when, during a late sitting of the House of Commons, he was shut out of our house, having forgotten his latch-key, and was unable to awaken the caretaker. Instead of going to an hotel, he walked about London during the early morning hours, and was immensely interested in seeing Covent Garden in this, to him, unwonted aspect. When we observed that it must have been very fatiguing, and asked why he had not gone to an hotel, he merely answered: 'I could not do so, I had no luggage.'

On several occasions his watch or ring were left at the booking office as a pledge for the money which he had forgotten.

Generally his pocket contained a medley of paper, silver and gold, which he could not be persuaded to keep separately, and of which he would keep no count, and many a cabman and waiter must have gone about the richer for the gold given in lieu of silver. Once, indeed, I remember his being greatly impressed by the

honesty of a porter, who drew his attention to the sovereign which had inadvertently been given to him.

A description of him from Mr. Tyrrell Paine gives some idea of him about this time when he was at the height of his powers.

My first recollection of Arthur Cohen dates from a time when I was a pupil of F. Meadows White, in the days before the Judicature Acts came into operation. . . . Shortly after I was introduced to him, but it was some time before I got to know him well. Cohen was by nature a shy man, and I was a diffident youngster. He always walked with his eyes straight before him, looking neither to the right or left, deep in thought, generally about some problem of law or mathematics (his very law books bear witness to his love of the latter), and paying little or no attention to what was going on around him. I remember that on more than one occasion after our introduction we passed one another in the Temple without mutual recognition, he apparently not knowing me, and I on my part hesitating to make myself known to him. This state of affairs did not however last long, and came to an end shortly after my call to the Bar in April, 1875. This naturally led to my being a good deal in Court, anxious as I was to learn what I could of my profession, and gave me the opportunity of sitting as near Cohen as I could when he was conducting cases at Westminster, or at the Guildhall. We were more conventional in those days than we are now, but there were lapses, and I have a vivid recollection of seeing Cohen in wig and gown eating with gusto during the luncheon interval white-heart cherries off a barrow in the Guildhall yard.

Either in the late 'eighties' or in the early 'nineties' Cohen asked me whether I would be willing to help him in his work from time to time, and I readily assented. Our Chambers were close together, his being at number five, and mine at number four, Paper Buildings, and from that time onwards there were but few working days, some part of which I did not pass in his room. It was a great privilege. He was the most patient of men, both in assimilating facts, though this was a distinct labour for him, and in listening to and weighing arguments. His mind worked slowly, but he had such a grasp of principles that he was by no means slow in putting his finger on a fallacy, and however slow the working of the mind, it never ceased working. It was untiring. Often and often has

it been my experience to persuade him, as I imagined, of the tenability of an opinion of my own, only to find next morning that he had got an answer to it. His mind had been busy in the interval ; it was so honest that it could not accept a conclusion until it had been tested in the crucible of his marvellously wide knowledge, or until he had brought to bear upon it his wonderful grasp of principles, and I doubt whether if Cohen had time to probe a point to its foundations he ever made a mistake on a question of law. On anything involving law his opinion was the best I have ever known.

As an advocate he was best in the House of Lords, the Privy Council, or the Court of Appeal, sparing no pains in preparing and arranging his arguments. His logical power was great, but it required time for its exercise, and he never trusted to the inspiration of the moment. His notes were most elaborate, and were generally revised more than once. He followed them with the greatest care, aud it used to be interesting when he was interrupted in the course of his argument to watch him put his finger on a particular place and to hold it there until the discussion caused by the interruption had come to an end. As a *nisi provis* advoacte he was not so successful. In a Court of first instance facts have to be ascertained, and if anything unexpected was sprung upon him he could not readily change his front, or easily alter the course he had marked out for himself. In these respects he was sometimes outmanœuvred by men who were far his inferiors in intellectual capacity.

In 1885 came the split in the Liberal party over Home Rule ; my father, who had always been in favour of Home Rule, followed Mr. Gladstone. My mother, and his brother also, had by this time lost their faith in Mr. Gladstone, and would have liked him to adhere to Lord Hartington, and many were the discussions in the home circles. When, later on in that year, Sir Moses Montefiore died, and there was not the expected accession to my father's income, he, or perhaps his financial advisers, my mother and uncle, became uneasy about his money matters, and desirous that he should devote himself to that sphere of work in which they knew he was pre-eminent. He was by

nature munificent, and apt to respond to party calls in a way that did not correspond with the claims of so large a family. This was perhaps the only occasion, our mother used to say, on which such a mundane affair as money really made him anxious, because he had always been given to understand that his uncle's death would mean a considerable accession of wealth. But it was characteristic of him that when quite as a young man he was told by Sir Moses that he wished to make him his heir, he was scrupulous in avoiding paying even the natural attention of a favourite nephew to an uncle.

Many years later my father had another experience of the same kind. His cousin, Miss Lucy Cohen, had expressed to me her wish to leave him a considerable part of her fortune. She did in fact appoint him one of her executors and residuary legatees. When the will came to be proved, after the large sums left to Lord Rosebery's children had been subtracted, it was found there was but little else to divide. A former footman, who became her steward, had unfortunately obtained a great ascendency over her. The result was that he induced her to make gifts to him amounting to well over £100,000, leaving but little residue. The case was such a bad one that, in spite of my father's dislike to publicity, he thought it his duty to take proceedings to recover the money so obtained by a person in fiduciary position from a lady who had had no independent advice. He probably would have let the matter drop, but for the reason that he and the other legatee were only left a life interest in the bequests which were settled on their sons.

Lord Finlay was to have appeared for us, but electioneering business called him away. Against us was Sir Edward Carson, who induced my father to compromise the case, in view of the fact that the defendant had run through most of the money, and by

SIR MOSES MONTEFIORE.
After Sir W. Richmond.

an appeal to his compassion for what he considered the bad state of his client's health.

After events disproved both of these arguments.

The Judge, Lord Justice Swinfen Eady, in announcing the decision, said that the plaintiffs only did their duty in bringing such a case before the Court.

At last, in 1886, my father finally resolved not to stand again for re-election. But the following letter from Mr. Gladstone made an appeal which he could not resist.

[Private and confidential.]

10, *Downing Street, Whitehall,*
9th July, 1886.

Dear Mr. Cohen,

I notice that you find a seat in Parliament difficult to combine with the heavy calls which your high position at the Bar brings upon you; and no one can be surprised when a very distinguished lawyer whose time is absorbed by his professional duties, is inclined to free himself from competing engagements.

I hope, however, you will not resent my stating to you that we can ill spare you from the House of Commons, either as a field in which you may yet act with great advantage from your high authority, or as the arena in which the greatest conflict of recent times is to be decided. The decision will depend on the result of the election, which, I may venture to say, is now impending. If the country act with the resolution which we have much reason to expect, the result is not likely to be long delayed. And I cannot help hoping that as you have taken your part gallantly in the recent preliminary struggle, you will likewise bear a share in the appeal now to be made to the paramount tribunal, and will not leave the work half accomplished. Your retirement, should you persist in the intention, will I am confident bring you a far more complete satisfaction when our task is complete.

Believe me, dear Mr. Cohen,
faithfully yours,
W. Ewart Gladstone.

He accordingly fought, in the July of that year, yet another battle at the Borough, and succeeded in securing the seat in spite of the turn of the tide. However at

length in the following year he retired, helping Mr. Causton, who became Liberal whip, to contest the seat. Mr. Causton, now Lord Southwark, succeeded in retaining the seat, although with a diminished majority, and held it for over twenty years, till on his defeat in 1910 he was promoted to the House of Lords.

My father, after his retirement, only very occasionally attended political meetings in his old Borough. But he continued to take an interest in the schemes for the working classes which were promoted by Mr. Hunter, one of his old supporters and a great worker among the poor, and, at his death thirty years later, we were much touched by receiving wreaths sent by two sets of Liberal working men from his old Constituency. It showed how vivid must have been the impression made by him.

After 1886, when my father had won his election, it was expected that a judgeship would be offered to him, a puisne judgeship, as a stepping-stone to one in the Court of Appeal. His particular qualities were better suited to the decisions of the questions of law than of facts, and to have tried criminals would have made him miserable.

How often, on an approaching vacancy on the Bench, would not Sir John Hollams, called the Judge Maker, come in to see us and hope that my father would be appointed to strengthen the body of judges. He said that in the good old times when judgeships were given on the recommendations of distinguished judges, and not as a mark of political favour, there would have been no doubt as to his appointment.

Extract from letter from Prof. Dicey.

I think one remarkable feature in his character had a considerable effect on his life. He always, it seemed to me, was interested in great things rather than small. And this I thought the more remarkable because he had a good deal of humour and also by nature entered easily into the enjoyment of life.

But petty things seemed to me to interest him very little, and I conjecture that this peculiarity, though it was at the bottom a real virtue, hindered, or may have hindered, his getting on in life as well as his talent and his character deserved. Even in law, though I think his judgment was very sound, he cared about speculative questions more than do most English lawyers who have succeeded at the Bar.

My father was still a Member of Parliament at the time of the first Jubilee in 1887. He attended several functions in connection with it, but these ceremonies did not much appeal to him. He had no particular veneration for the institution of the monarchy, and was inclined to think the respect that 'hedges a king' rather absurd. He was in the Abbey for the Service, and I remember driving back with him through the crowded streets, and how handsome he looked in his Court dress, and how many were the greetings he had to acknowledge as he passed.

'Ah, yes,' he would say, 'more fools know Tom Fool, than Tom Fool knows.'

The following letter of this period was written to my sister Margaret, who had gone to Australia with the Garrett Andersons :

To M. C.

Holland Park, 1885.

We are sorry not to have received a letter from you this mail, as we always look forward to your correspondence with the liveliest interest. I hope you are enjoying your life in a new country with startling and beautiful scenery, fresh faces and many pleasing and striking monstrosities (snakes, etc.) before you, and will come fresh with a good stock of health and spirits and amusing stories. We also have our excitements. Mr. Gladstone's government is defeated and the Tories in power, and will now have to face the difficulties which they will soon learn to appreciate and which made the Liberal party commit a good many blunders. I have been requested to stand again for Southwark. I have not yet made up my mind but think I shall accept the offer . . .

I am very busy with legal work and shall soon have to devote myself to electioneering speeches. I think the pre-

sent times are very critical, not so much for the Liberal party, who will probably have a large majority at the next election, but because the future reign of Democracy is not without danger, as you must perceive from what goes on in your own eyes in our democratic colony. However, I have great faith in the moral and physical soundness of the younger generation of England. Does Australia produce any literature peculiar to itself as America does? Do the people differ much in looks, dialect and pronunciation from our own people? Are the Jews there superior or inferior to those in England?

I think you will not have the chance of being taken prisoner by a Russian man of war, nor have you yet indicated any chance of your being made captive in any less belligerent manner. I expect you to come back in 'knowledge' a very good sailor, so that you will be able to understand my Admiralty cases. To have been in a battle must form an epoch in one's life, and so to have crossed the mighty ocean—to have seen the blue mountains, the parrots, the gum trees, a young growing colony destined to be a young and powerful country, a young child of an old empire, must leave impressions on you which will leave your mind rich and interesting. We all and I especially miss you much and look forward to seeing you in the old country.

The next letters were written when I was at Strassburg, detained there for some months by the illness of an aunt with whom I was travelling. The Professor (Nissen) had been at Leipzig in a post which was equivalent to that of our Attorney-General. He had married an English wife, and was at this time Professor of Jurisprudence at Strassburg. He told us that in order to germanise the town the professors there were paid almost twice the ordinary salary. He would take me round the old streets and discourse on German literature. Even at that time he said he feared that with the accession to political power and prosperity, Germany's pre-eminence in poetry and philosophy might disappear, that the energy of the people was forced into other channels. The Professor, it can easily be surmised, was *not* a Prussian! How he laughed at me,

when he took me into the chief bookseller's in Strassburg to search for a novel to suit my father's taste. The man showed me a book, and I, wanting to express that I required a simple love story, asked in faltering German, 'Ist viel Liebe darin?'

Holland Park, 1886.

I have been abstaining from all Politics and have been diving deeply into law; that is, as even Ben now perceives, a very interesting subject.

I have read nothing of late which would interest you at the present moment. But there are two books which I think everybody ought to read and which I mean to study as soon as I have leisure: Dicey's book on Home Rule, which has been received with universal admiration, and Lord Selborne's pamphlet on the Church of England. The state of politics appears to me to be most distressing. But as that has been the feeling of English politicians at so many moments of our history, too much weight ought not to be ascribed to the despondency which overcomes so many thinking men at present. The fact is that we have probably to familiarise ourselves with the new ideas in political economy and in politics, and that that is somewhat difficult for men who are getting old, unless we have the elasticity and the untiring energy of the G.O.M. I am looking forward to a vivid description of you, of the Prof. and his wife whom I have learnt from your letters very much to like, and still more looking forward to seeing your pleasant face.

My eldest brother had by now been called to the Bar, and was in my father's Chambers:

Written to greet me on my return from Strassburg. It opened with a very favourite sentiment.

1886.

. . . Please give my love to your Aunt, and remind her of my saying about all disease—'it is better out than in,' and I think it most likely that after she has spent a few months in order to avoid cold, to which she will be at first susceptible, she will be in far better health than she has been for a long time. I suppose you can now form a pretty good idea of German life, and often wonder how you like it. Der Herr Professor and his wife seem very interesting people. The judicial subject which you heard the professors dilate on is one

of extreme interest to one who cares for the philosophy of jurisprudence and development of law. Wendell Holmes, the author of the Autocrat of the Breakfast Table, has a son whom I met at Dicey's more than once, and who is one of the most agreeable and clever men I ever met. He is now a judge in Massachusetts, and has written a book in one small volume on the Common Law. The first chapter in that book treats in a *very* interesting manner of the question to which your friend has devoted his attention, and illustrates and emphasises the important bearing it has had on the development of legal doctrines.

I have studiously abstained during the last three months from polities. I enjoyed (and so did your mother) Aldeburgh very much, and I afterwards spent a fortnight in delightful weather above the Lake of Geneva. . . .

I am extremely busy with law, and very full of work, in which I much rejoice when I am not drawn away (and I have not yet been) by meetings and parliamentary duties.

He describes what were always his favourite qualities :

Probably before 1880. *This is an extract from a birthday letter.*

6 *Holland Park.*

I hope you will grow strong in body, clear in intellect, warm in heart, and charitable and generous in feeling, and that you will always 'like' your father and mother. If I have time to get it, I mean to bring you a somewhat curious present which will amuse you.

How is Laocoon getting on ? I walked to my club to-day in company with Mr. H. He is certainly very clever, but after all not one of those men I most admire. I have a case to-morrow with Trevelyan, a relative of one of your school-fellows—a true original—a most learned man and an excellent scholar. We are going to take the most technical points to-morrow human intellect ever conceived, which the Judge will certainly not appreciate. He has been coming to me of late every day with a 'new' point, and his last point is one founded on the consideration of the Law in the reign of Edward III., which is a very fine point indeed.

Now you must excuse my writing more, for I have to prepare an answer to Benjamin's argument in a case in the House of Lords, which comes on to-morrow.

I cannot pass over these years (1880–1888) without fuller reference to the Garrett family. Mrs. Garrett Anderson was, perhaps, the most remarkable of that energetic and capable group. She was brimful of vigour and character, and would amuse us all by her decided views, forcibly expressed, and by the racy anecdotes by which she would illustrate them. Her husband, a typical Scotchman, was head of the Orient Line of steamers.

We had known the Garrett family for some years, through my school friendship with their niece, now Lady Gibb. Her brightness, energy, and largeness of heart made their usual appeal to my father, and her lack of conventionality afforded him much amusement. She and her husband stayed with us during their engagement, and again just after they married, and it must have been about then that Sir George Gibb took my father's advice by accepting the post of solicitor to the North-Eastern Railway, of which he afterwards became the manager, and he soon gained his great reputation for organization of traffic and management of men. It was a remarkable fact that during all the years that Sir George Gibb was manager, there was no strike among the men of the North-Eastern Railway. He afterwards set the underground railways on a firm financial basis, and then accepted a much less remunerative post, under Government, as Director of the Road Board. My father, very early in their acquaintance, recognised his great abilities.

The friendship with the Garrett family became cemented by the marriage of my mother's great friend, Miss Thornbury, with Mr. Samuel Garrett. The wedding took place in 1882, from a house which we had taken at Pulborough. The blind politician, Professor Fawcett, an old political friend of my father's, came down for the occasion with his wife and her sister, Mrs. Garrett Anderson, both strong champions and pioneers in the women's cause. It was at this function

that Mrs. Anderson invited my sister Margaret to accompany her and her family on a visit to Australia.

We spent one or two summers at Aldeburgh, which in those days might almost have been called Garrett country, so many of them had houses at this little seaside resort (indeed, it was once described as a town in Suffolk surrounded on one side by the sea and on all others by Garretts), and for many years we were on terms of great intimacy with many members of that remarkable family. On my father's death, Dr. Garrett Anderson, who followed in her mother's footsteps, and has since been given the charge of the large military hospital at Endell Street, writes from the first English women's military hospital at Boulogne :

I hear to-night from my mother that we are all the poorer by the death of Mr. Cohen. He was one of the finest and noblest men I have ever known, and all his beautiful qualities shone out in his face. I always loved meeting him and watching him talk graciously to other people.

Mr. Samuel Garrett, the late President of the Law Society, writes :

To have known your father I shall always look upon as one of the greatest privileges of my life, both private and professional. His unfailing courtesy and kindness to those miles below him, intellectually, the absence of all pettiness of thought or action, his breadth of view, his moral dignity—these things even more than his intellectual greatness, are what will remain in my recollection—for I hope to the end of my life.

CHAPTER V.

In the June of 1887 came the blow which altered my father's whole life.

My mother had to undergo a severe operation. This it was that had finally determined him on retiring from Parliament, as he wished to have more time for home life. She recovered from the operation, and the long vacation was spent again among our friends at Aldeburgh, but she never really regained her health or spirits, and in the following June of 1888 she died. After this, my father never recovered his former buoyancy ; he may have enjoyed himself at times when he was abroad, or in the midst of intellectual exercises, but the spring of life was certainly sapped. His intercourse with all of us had been through the medium of my mother ; besides sympathy and banter, she supplied what other men often obtain through friendship with their fellows, intellectual stimulus and discussion. There was no one left with whom he was on terms of equal and close intimacy. From now onwards, though his life and interests touched ours more and more closely, he always seemed in some measure to live on a height and apart from ordinary mankind. Years after, Lord Mersey must have felt something of this when he writes :

I most sincerely wish I could assist you, but I am afraid I cannot do so.

My work at the Bar was of a smaller kind than your father's, and the consequence was that we seldom came together, moreover your father was called in the year 1857, whereas I did not begin before 1870. This difference in calls

would prevent us from seeing much of each other. It is very like being at school where the younger boys are a band apart from the seniors.

I always regarded your father as one of the great masters of my profession, and I am afraid that this feeling made me a little nervous of approaching him too closely.

My mother had not only herself been an all-sufficing companion to my father, but she also brought him in contact with all kinds of people. She was very human, and had an eager interest in life; she would try to bring him down from his heights and discuss the every-day affairs of life in a way to make him interested and amused. Her sympathy was so warm and so outspoken, and her views on any subject so very much her own, that if she liked people she could almost invariably draw them out and inspire them, even if by contradiction, to express their own opinions. She also had the gift of making anything which she undertook go off with spirit. I cannot here attempt to give a full account of my mother, but no account of my father would be complete without reference to some of her qualities and interests. She was very benevolent, and was always befriending some struggling teacher or other (I remember her engaging a housemaid on the ground that she was so unattractive that no one else would take her), and she invariably made an impression on the people with whom she came in contact. When she went to the first large country-house which we took for the summer, in a sleepy Hampshire village, she was constantly trying to spur the desponding clergyman to undertake schemes to enliven his parishioners, and in spite of the usual refrain that 'it would lead to drink,' got up one or two excellent concerts in the small schoolhouse, which had never been used for such a purpose before. She was most anxious even then to have communal cows for the villagers, and was horrified at the way the country children were left without proper nourishment. Her

schemes would be practical and individual, while my father dreamed of large reforms to be brought about by Act of Parliament. Just as she felt it impossible to bring up her children in strict Jewish usages, in which she could not believe, so she never joined any of the Liberal Women's Leagues. It was perhaps a disadvantage to my father's career, but she was so honest that party politics, with their wheels within wheels, were abhorrent to her. John Bright, Lord Hartington, Lord Derby, and in fact any man of courageous, independent views appealed to her, but she could not follow the tortuous paths of Mr. Gladstone's mind. 'Dare to be in the right with two or three,' she would quote from Lowell, which unfortunately is hardly a successful political creed. It was characteristic of my father that he never pressed her to go against her convictions. In fact, her vehement exposition of her point of view rather entertained and delighted him. It gave her pleasure, as it did him, to hear all kinds of opinions, and this made their society very varied, and enabled her to give him relaxation and amusement, when he had leisure to avail himself of them.

He now found himself left with eight children at home, the youngest being a little thing of four years old. Fortunately, my parents had been most open about all their affairs, including their views about their children's education ; consequently my eldest brother and my sister and I were able to carry on the business of life and, as before, to keep him free from most of its worries.

After 1888 he went much less into the world, and probably it was mostly for the sake of his children that he even mixed with as many people as he did. In many ways it was a pity that he had no longer the interest and excitement of the House of Commons. He missed being a member of that large club, and the stimulus of meeting men of wide interests and strong persuasions, with all the social life that follows in the

wake of being a Member of Parliament. But probably his health would not have stood the strain. In spite of his magnificent physique he had always had a tendency to gout, but he disliked being restricted in his diet, and, when the things that he liked were at hand, he generally took them regardless of consequences; though he would bear their absence from the table with philosophy. The result was that he had to be somewhat discouraged from attending public dinners, or from dining in Hall either on 'Grand days' or other days, and so he did not come across his legal friends in the easy way likely to bring him in close and familiar contact with them. His legal work was conducted less in Court, there were fewer cases, and those which he had involved very difficult points which he studied alone in his Chambers, occasionally calling in the aid of Mr. Thompson, Mr. Woodhill, or Mr. Paine. His friends had to come to him, to walk or talk with him, he rarely sought them unless they were ill or in trouble, and he could with difficulty be induced to pay an afternoon call.

Professor Dicey might visit him at his Chambers, and come in to dine with us, or Sir Courteney Ilbert would come in on Sunday mornings to talk over the drafting of a Bill, and Sir Frederick Pollock would occasionally look in on a Sunday to talk over some abstruse subject.

I do not mean to say that he did not see other people; if he was meeting interesting persons on an important case or on a Royal Commission, he might tell me to invite them to a party, and he generally enjoyed social gatherings at his own house. But he did not have that frequent intercourse or love of sport or games that leads to real intimacy. Gossip of any description bored him very quickly, but when people really confided in him it gave him much satisfaction, and if they asked his advice on practical matters, he was often naïvely flattered.

His nature required an enormous amount of solitude, even though he may have suffered from his inability to meet people on their own level. For this reason, he was often happier sitting beside a baby whose inarticulate gurgles seemed more interesting to him than the platitudes of ordinary mankind. He used to say that he had but little small talk and often himself felt sorry for the woman he had to take in to dinner; but it would give a wrong impression if I did not add that there could be extreme charm in his manner to women, and I should imagine that when he chose he could always captivate them, by a certain subtle flattery and delicate attention, combined with the sense of power that he invariably inspired.

As regards the women whom he liked, he could not bear those who were in any way pretentious, though he liked an active, energetic woman. Even in 1856 he writes to his future mother-in-law:

> She is one of those good cheerful open-hearted clear-eyed women every one must love; add to which that her kind disposition may be clearly traced in her features, and you will have some faint idea how fond I became of her. . . . She is devoid of all false conventional affectation—and blessed with a husband to whom she looks up with pride and affection—she follows zealously that course of gradual self-improvement so familiar to the German by the name of 'das Streben nach den Ideal.'

It gave him pleasure to meet lively, spontaneous people who would take the weight of making conversation off him. Above all, he liked a generous nature, with no trace of cynicism or affectation. He quotes from Disraeli, 'She too was distinguished by that perfect good breeding which is the result of nature and not of education, for it may be found in a cottage, and may be missed in a palace. It is a genial regard for the feelings of others and springs from an absence of selfishness.' Some of his favourite characters were Thackeray's Amelia, much to our amusement, and Agnes in David Copperfield, whom he called 'a beau-

tiful character,' however insipid we might declare her to be. I really doubt if he would have liked either in real life. He was certainly very much affected by good looks, and more than ordinarily repelled by a voice the tone of which jarred on him. It was impossible to make him associate with certain people, who might be harmless enough, if they just did not suit him. In arranging a dinner table I had to choose with the greatest care who should sit on at least one side of him, yet he was fastidious rather than critical. 'She can at times be very agreeable,' he writes of X., 'but is whimsical and obstinate, and acts generally from impulse with little power of self-control. However I give up, as much as I can, judging of other people, scarcely any one can be a competent judge of another. To understand people and to be able to find out what they are likely to do is useful and important; to sympathise with people is most important, but very difficult to me.' He constantly said: 'Talk of things, not people.'

Although to many people intercourse with him was rather a serious business, with too many ponderous lapses into silence to be readily and familiarly encountered, his own pleasure was great in the society of those who were not in awe of him and who would treat him as made of common clay. I am sure he was often oppressed by his difficulty in unbending. For this reason he liked to be surrounded by youth and life when he emerged from his work or study, and would listen in a charming and even deferential manner to those young people who were natural, unaffected, or enthusiastic in his presence. His own children were too often oppressed by not feeling they had anything clever or amusing enough to be worth talking about to him.

There was quite a joke in the family about the way he would escape from an uncongenial guest. If he happened to be in the drawing-room when the door

bell sounded, he would gravely stand between the two rooms, which were divided by curtains, and if the servant announced some one whom he did not care about seeing, he would quietly slip out by the back door. We had to resort to various subterfuges to induce him to come and see people who might be anxious to meet him. Often he would leave word to say that he was too busy to see any one, and that we were not to mention that he was at home. But if he *did* come upstairs, he had the most gracious manners, and the visitor would be charmed into thinking himself or herself to be the very guest he was most anxious to meet; and when he was over eighty he would still accompany them downstairs to the hall door. He could hardly, at any time of his life, be persuaded to go to a large reception. Occasionally we got him to take us to the Speaker's or the Foreign Office, but the very fact of his having to put on Court dress put him off going. The order would often be given in the morning for his things to be placed in readiness, and at the last moment the disinclination to go would prove too strong. He liked *us* to go about and to bring him a report of whom we had seen, as the following letter shows:

I hope you and Maggie are paying or going to pay visits, for the more I see of . . . the more I am convinced that to live merely with two or three persons is a very bad thing indeed, unless these persons should happen to be persons of great vigour and originality. Life becomes so commonplace as to be a dull burden, and all one's humours fly inwards, or at any rate are not swept away by any fresh breeze, and nothing is so bad in the physical and in the mental world as stagnation. Do you not agree with me?

I opened yesterday Browning's last volume and Tennyson's last volume; the former I am not ashamed to say was almost unintelligible to me, and the latter seemed to me very poor poetry in that tiring metre of the Balaclava Charge. I am reading Trollope's Vicar of Bulhampton, which is really a very good novel.

Please take tickets for Barnum. I shall be back on Sunday, or latest on Monday next. I have just had a pine bath, which

makes me feel very hot and sleepy, but which is very delicious when one is in it.'

He, however, often enjoyed dining out very much. The excellence of the dinner or the wine had a marked influence on his enjoyment of the evening. I cannot resist quoting what my sister writes after one dinner in 1883. 'Papa was in very wonderful spirits all the time—we could not make out why. Afterwards he explained it. "Yes," he said, as we drove home, "Mr. Samuel paid me what I consider a really fine and worthy compliment." "And what was that?" "He sent the butler to me at the beginning of dinner with some wine, and as he poured it out he said, 'Mr. Samuel desired me to take out one of the best bottles of wine for you, sir,' and I drank it all dinner time; in fact, I must have drunk three-quarters of a bottle."'

This occurred at the house of his cousin Lucy Cohen, who not only asked him to meet the most agreeable of her friends, but always took pains to offer him the best of her cooking and her cellar. It was here that he met Lord Rosebery and his daughters, and Mary Higgins, the amusing daughter of Thackeray's great friend, Jacob Omnium, besides various musicians and artists of note. Indeed there was a kind of regal manner about him which induced people to give him of their best, whatever it was.

On these occasions, especially, I am told, at dessert with his legal friends, he would tell some of the old legal anecdotes with great gusto. Upstairs, conversations were apt to come to a sudden end. His usual opening was, 'And have you been reading anything interesting lately?' There are very few of his letters in which books do not take up the largest space. My sister writes in 1891:

Ada and I are much amused to find how changed our mode of conversation and topics of conversation are since his arrival—all so Johnsonian, and jokes of the heaviest kind; it takes time to get into it, and I think we both feel weighed

down for the moment, but I feel very proud of him, he looks so handsome and intellectual.

In the following letter my father indicates something of his taste in novels :

Aachen.

I left the 'Abbot' in England, and did not get further than when the hero of the novel meets the pretty cheerful girl in the convent. I suppose their destinies get intertwined, and I hope they marry one another, for I like novels to end well; and am too little of an artist to be carried away by the tragic beauty of misfortune and calamity. We are all very anxious about the struggle at Plevna. There is no doubt that our English newspapers surpass all the other papers in the world, which in fact copy the telegrams which are sent to England.

It is said that the odds are that a Londoner will never have gone into Westminster Abbey and St. Paul's, whereas a provincial is pretty sure to have visited them. From a somewhat similar reason I have not yet gone into the Cathedral or the Hotel de Ville, but I shall do so to-day. Just near the present baths they have been pulling down some buildings, and have discovered in the bottom of the foundations baths which have been ascertained to be Roman baths. It does seem strange to be carried back to the old times so as to realise as it were with your own eyes that history which in reading looks something like a romance, speaks really of men who have lived and events which have taken place. The remains of a Roman fruit-seller's shop have actually been discovered here.

For very many years, if his health kept him indoors, a volume of Scott was his solace. He liked Dickens, especially The Tale of Two Cities, and David Copperfield. Thackeray was not such a favourite, except for Pendennis. He used to compare 'Pen' with himself in his youth. He had a great admiration for Adam Bede, Romola, and the Scenes from Clerical Life; but neither Jane Austen, though he tried to appreciate her, nor Charlotte Brontë, appealed much to him. He often quoted from Disraeli's novels, and he liked to amble through some of Trollope's. But he tried in vain to enjoy George Meredith. He wished, however, to see if he could not appreciate what was so much admired

by other people, and he therefore once read the Egoist aloud to us, simply galloping through it and making us listen to him at any hour of the day. But I believe he summed it up by saying that it was quite incomprehensible. His manner of reading a novel was to dash through it eagerly and not to leave it until in half an hour or so he would have mastered the story from beginning to end. Then if the book appealed to him he would read it again slowly and attentively. The last two novels that I recall as having given him real pleasure were De Morgan's Joseph Vance, and Harrison's Queed. He did not care for a complex tale, nor did he like much analysis of character or the sordid details found in much modern literature. His taste was for stirring romance, very little cynicism, and characters that he would have liked in real life. He enjoyed Dickens's descriptions of good honest villains and broad comic incidents, or characters such as Pickwick and Sam Weller. He tolerated and even admired very simple remarks on morals and philosophy, such as occur in Bulwer's Caxtons.

Taking at hazard his Rob Roy, I find these passages marked :

> He who embarks on that fickle sea (speculation) requires to possess the skill of a pilot and the fortitude of the navigator, and after all may be wrecked and lost, unless the gales of fortune breathe in his favour. This mixture of necessary attention and inevitable hazard—the frequent and awful uncertainty whether prudence shall overcome fortune or whether fortune shall baffle the schemes of prudence—affords full occupation for the powers, as well as for the feelings of the mind, and trade has all the fascination of gambling without its 'moral guilt.'

And again :

> This person's conduct only inspired me with contempt, and confirmed me in an opinion which I already entertained, that of all the propensities which teach menkind to torment themselves, that of causeless fear is the most irritating, painful, and pitiable.

The passages marked in the Vicar of Wakefield show much the same qualities of mind :

> One virtue he had in perfection, which was prudence—too often the only one that is left to us at seventy-two . . . After we had saluted each other with proper ceremony—for I always thought fit to keep up some mechanical forms of good breeding, without which freedom ever destroys friendship . . . Nearly a fortnight had passed before I attempted to restrain their affliction ; for premature consolation is but the remembrancer of grief.

The subtle in either wit, humour, or delineation of character afforded him but little satisfaction. He had not an appreciation of classical form, and for this reason perhaps French literature did not appeal to him ; he read, however, with appreciation French works on mathematics, also De Tocqueville, and Bastiat, and was very fond of the Pensées de Pascal. He did not care for Dumas, in spite of the many stirring incidents to be found in him ; but I got him a translation of Les Misérables, so that he should not be troubled by the obscure words to be found in it, and he much enjoyed reading that novel ; it is easy to realise that many of Victor Hugo's generous sentiments would be in sympathy with his own.

He greatly enjoyed the theatre. Here he could listen in peace, with no demands made upon him, and his appreciation was so genuine, and so enthusiastically shown, that I have seen it attract the attention of the actors themselves. He liked to see any of the Shakespeare performances, especially The Merchant of Venice. My brother says: 'No doubt his religion gave him a special interest in this play, but it is one which always appeals to lawyers: there is the Court scene and the art of Portia's pleading, and there is also the contrast between mediæval and modern law. Indeed, cynics who imagine that the legal mind is wholly prosaic declare that you can generally detect a lawyer chafing at the casket scene and muttering that the will of Portia's

father should have been set aside as an unlawful restraint on marriage, or complaining that Shylock's bargain was 'void ab initio,' but that, if not, then he was entitled to do everything necessarily involved in obtaining fulfilment of the bond! He was not a great admirer of Irving, of whose diction and bearing he used to complain. He delighted in the Sheridan and Goldsmith plays, and would always offer to take us to them, as also to Robertson's in the old Haymarket in the days of the Kendals and Bancrofts. He always tried to see the plays of the Comédie Française when they came over, and revelled in Got and Coquelin, and I have seen him greatly moved by La Duse. What is called the problem play offered no attraction to him; and though he was amused by some of Bernard Shaw's comedies, he did not really like them. They were not direct and genuine enough in their emotions to please his almost primitive taste. He used not to discuss the niceties of the play or of the actors, but would express his approval or disapproval in some stately phrase. His enjoyment was simple as that of a child; never was he analytical or critical; he just either liked or disliked a play, person, or book. But though his interest did not lend itself to conversation of any continuance, people were always interested in seeing in what manner things struck him, as it might often be unexpected, and was always his own.

I have known him go to Lord's to watch a cricket match, and be thrilled by witnessing a large score and the excitement of the crowd, though ignorant of the art of the game. He was highly pleased when my eldest brother gained his bat in the match between Rugby and Marlborough. He was also proud of my brother Willie's prowess at real tennis.

He was in many ways very youthful in his mind until almost the end. He had a great capacity for enjoyment of a certain class of thing; in his youth he often went to the pit at Covent Garden in order to

listen to the opera and wondered at my brothers not caring to go in the same manner; and the singers had evidently made a great impression on his mind, as he would compare them individually with the modern performers on the rare occasions when he went in later days.

It is not easy to convey the sense of charm which he nearly invariably exercised over those with whom he came in contact; his unfailing tact, his courtesy, his kindness, and his intrinsic simplicity, for his aloofness did not arise from a feeling of superiority. In many ways he was extraordinarily modest and shy. The Master of Balliol, Mr. A. L. Smith, told me that after thirty years, he well remembered his first meeting with my father. He said, that he plunged directly into philosophy, asking what at that time was the prevailing manner of teaching it at Oxford, and entering into his reply in a manner that at once impressed him. He was equally struck by his lack of self-consciousness. My father, when seeing him off, stood on the doorstep, still talking, and moving from one foot to the other in a kind of rhythmic motion, regardless of any passer-by. At last Mr. Smith said, 'What is it, Mr. Cohen?' 'Liver,' answered my father. He meant that he considered this movement a good exercise for that organ. 'He was a great man,' said the Master.

As soon as he could leave London after my mother's death in June, 1888, we started for the Continent. My father always said that the Italian blood in his veins made him long for sunshine. He would never admit that our skies, even in the height of summer, could be really blue like the continental ones, and said that as soon as he crossed the Channel he felt a different man. His pleasure in leaving Victoria for the Continent used to be almost like a boy's. On board the steamer, he would look with amused pity on us as we settled down on deck, prepared to face the inevitable, while he lit a strong cigar, and strolled up and down, generally

meeting some one whom he knew. Until a very few years ago there was a certain fat waiter at Calais who knew him and at once supplied him with the roast chicken and St. Julien that taste so differently on that side of the Channel. He was a splendid traveller and said that the motion of the train suited his brain and helped him in reading and thinking. He would settle down at once to his cigar and book, and I never knew him to be put out by any *contretemps*, and he would be content to travel all day, and the greater part of the night.

In the August of which I speak, my sister Margaret and I started with him for Switzerland, my eldest brother joining us later. The country worked its usual charm, and he was able to enjoy the air and scenery. I remember that he walked over the Wengern Alp and his spirits somewhat revived. We met my Uncle Nat and his wife and family at Grindelwald, and my brother shortly after became engaged to their daughter Daisy. My father having made a love match himself was most sympathetic and unselfish about all his children's marriages. He never forced his advice upon them, or interposed his own views, but just sympathised in their happiness; in fact, nothing gave him more pleasure than an engaged couple. He also shared Napoleon's view that one of the most beautiful things in nature is a prospective mother!

In August, 1890, we went to Norfolk. From that time we used for several years to spend a part of the long vacations at Cromer or Overstrand, my father's cousin and my great friend, Lady Battersea and her husband, having told us of the attractions of the fine air and country round about. They were always most kind in doing their utmost to make our stay there enjoyable.

Mrs. Cyril Flower, as she then was, had the most vivid interest in life and in all sorts and conditions of men, as well as in politics, literature, and philanthropy;

and Cyril Flower, in his capacity of Liberal Whip, came across all the politicians of the day; he had a *flair* for genius in many of its forms, for he not only predicted Mr. Asquith's political future, and helped to start him on his political career, but he appreciated and bought the works of Burne Jones, Whistler, and Gilbert, long before they received popular recognition. He built his charming house, The Pleasaunce, and filled it with treasures, ancient and modern, making it glow with colours combined with rare taste; and he created from two barren fields a delightful garden by the sea; a maze of pergolas, herbaceous borders, green lawns, and a water garden. He and his wife were the kindest and most genial of hosts, and it is easy to conceive that they collected around them a most varied circle of friends—'people of fashion,' politicians, writers, artists, and philanthropists.

Here my father met again Lady Battersea's mother, Lady Anthony de Rothschild; between them there was much sympathy of thought and similarity of disposition; they both held to their Liberal principles to the end of their lives, both had a firm belief in the progress of the world, and both disliked anything approaching unkindliness in word or deed; and both enjoyed above all things holding converse with their books and their thoughts. He admired her gentleness and graciousness, and I believe she said that if she had had a son she would have liked him to resemble Arthur Cohen.

Here Lady Dorothy Nevill, then far in the seventies, used to pay an annual visit. She was a Walpole, and looked like some quaint relic from a bygone generation, or like a little fairy godmother, with her delicate complexion, carefully shielded by double veils from the north-east winds. She had a youthful quickness of mind and wittiness of repartee, while to hear her reminiscences, of which she had many, my father used to say was like reading a page from her

kinsman Horace's Memoirs, such was the raciness of the English, and the fine choice of language.

It was at The Pleasaunce that my father met Lord Wolseley, by whom he was much impressed, and here, too, he dined with George Meredith, but I do not think there was any special bond of sympathy between them. Here he also met the beautiful Lady Ulrica Duncombe (now Baring), then quite young, and walked with her one whole afternoon and talked politics and philosophy. Although, when once there, he used to enjoy dining at The Pleasaunce, and I invariably was told how charmed by him people had been, I must confess that I would often in vain try to persuade him to walk over and pay a call; he would become 'menschenscheu,' and it was useless for me to protest that if he were there he would be sure to enjoy himself. Lady Battersea writes:

Both my husband and I had an immense admiration for Mr. Cohen's intellectual power, and I had the pleasure of often welcoming him as our honoured guest in our Norfolk home. On several occasions he and his family spent their summer holidays in or near Overstrand, and many a pleasant stroll have I taken with him on our breezy cliffs overlooking the North Sea, while we discussed some interesting topic. Never did he talk down to me but always gave me of his best. I could not but be attracted by his broad outlook on things, and by his calm judgment unbiassed by any personal feelings or considerations. His tastes and habits were simple, whilst his bearing and manners were those of the 'grand seigneur'; his extreme courtesy to all won the admiration of men and women in the most varied and most opposed classes of life. He had a beautiful tone and a fine selection of words, whilst his great literary ability was apparent even in his ordinary correspondence. The few letters that I possess from him bear the test of reading carefully, and have a grace of diction which, in these days, is but seldom expended upon epistolary writing. He loved the study of mathematics, and when physically or mentally tired would often find refreshment in solving some very difficult problem. I can remember, when upon some occasion a relative of mine tried to puzzle him by asking him a kind of mathematical riddle, supposed to be almost unguessable,

he gave the right answer after a few minutes' reflection, which seemed so extraordinary a performance that one of those present thought he must have been aware of the right solution. . . . Only a few weeks ago, another distinguished lawyer, the nonogenarian Earl of Halsbury, spoke to me of Mr. Cohen in terms of great admiration and regard.

Arthur Cohen belonged to an age when fine manners were much cultivated and appreciated, but his was not the courtesy of manners only, it was the outcome of a generous appreciation of others, and of the humility inherent in those who cherish high ideals of life and conduct.

Cromer and its surrounding villages was the home and the resort of many interesting people. Originally the Buxtons, Gurneys, Hoares, Barclays, and Birkbecks were the chief inhabitants round about. From the middle of the last century Colne House at Cromer had been for quite fifty years the meeting-place of many distinguished Evangelicals and members of the Society of Friends. There Lady Buxton, who died in 1911 at the advanced age of ninety-six, held her little informal and friendly court. She was the widow of Sir Edward Buxton, son of the celebrated Sir Fowell Buxton, the friend of Wilberforce, with whom he successfully championed the cause of the slaves. Lady Buxton was the daughter of Samuel Gurney, a well-known character among the Friends, from whom she inherited a devotion to philanthropy as well as much practical commonsense. She had always been a devoted student of the Bible; and when partially blind at the age of ninety she could always repeat the psalm of the day without faltering, greatly to the astonishment of the housemaid who lit her fire, and who was asked to listen to her mistress, and to correct her should she make a mistake, by the aid of Lady Buxton's own Bible. Her nephew, Sydney Buxton, now Viscount Buxton, had a house hard by, and used to come to have political talks with my father. His first wife, the daughter of Sir John Lubbock, a most charming woman, would also come over to see us.

At Cliff House there lived yet another connection —Sir Samuel Hoare, with whose family we became very intimate. Lady Hoare was then full of activity, social and philanthropic ; she was also a great gardener, and my father would enjoy being taken along the bushy alleys of the garden and suddenly coming to a sunlit spot filled with flowers, said to derive their wonderful brilliance from the salt in the soil. This garden was an original conception of Lady Hoare's, she had created it out of the bleak, wind-swept dunes, with which as a bride she found her new home surrounded. It soon became the forerunner of many delightful seaside gardens, and even the grounds of The Pleasaunce were planted by one of Lady Hoare's under-gardeners, inspired by Lord Battersea's artistic genius. At Cliff House could be seen Richmond's portraits of Elizabeth Fry, Sir Samuel's aunt, and that of many of the old Society of Friends, both English and American. The third daughter, Elma, married Luke Paget, now Bishop of Stepney ; the result of a visit of Sir James Paget and his family to Sidestrand. We happened to be in the neighbourhood that year. The Pagets were old friends. Sir James, the greatest surgeon of his day, was, though a scientific man, a profound believer and earnest Churchman, one of the most high-minded of men. It was a real pleasure to my father to meet him here, and he genuinely enjoyed conversing with him. He said that he was one of the most eloquent of men, and that on the occasion of one of the Academy dinners, his speech had even thrown that of Mr. Gladstone into the shade.

Lady Paget was a fine musician, amd would seldom resist my father's request that she would play to him. She would often describe the long waiting before she and Sir James were able to marry, and repeat with pride, that he had said that what had been considered the most imprudent thing in his life (to marry without an assured income) had been the wisest thing he had ever done ; and how they had at first lived in a small

house in the precincts of St. Bartholomew's, and that she could not escape from the cries of the patients, who in those early days had to be operated upon without chloroform. The eldest son, Sir John, who went to the Bar, dedicated one of his law books to my father.

Another house in Cromer was that of Mr. Locker, the poet, one of the cleverest and wittiest of talkers. I remember him coming round to see us and giving my brother Willie a bit of advice as to how to succeed in society. 'Always direct the conversation to the topic of most interest to your listener; to a young mother, always talk of her babies.' He then described Mrs. Asquith's vivid interest and curiosity in coming to see him, how she had insisted in going over his house, and on looking into his dressing-room, even opening his boot cupboard. 'And did that please you?' we asked. 'Yes,' he said, 'probably because they were *my* boots.' Mr. Locker's daughter by his first wife married Mr. Augustine Birrell, an acquaintance at the Bar, and on the same side of politics as my father. They used to come to stay with the Lockers, and finally settled at Sheringham. In the nineties, the George Lewises were at Overstrand, and erected as their home the Danish pavilion which they imported straight from one of the exhibitions. Sir George, a celebrated solicitor, must have been concerned in all the sensational cases of his day; he was a shrewd, clever man of the world, absolutely opposite in most of his tastes and qualities to my father, for whom, nevertheless, he had a great regard. In fact, Lady Lewis told a friend that Claude Montefiore and my father were the two Jews for whom he had the most respect. My father relished Sir George's legal anecdotes, his keen perceptions and knowledge of men and affairs, and used to say that for a man who had to touch so much pitch he had remained very undefiled; he also considered him an essentially kind-hearted man. Lady Lewis was a clever hostess, and many of the leading Liberals used to stay at the Danish Pavilion

All that was new in the world of art or of music could be seen or heard at her house. It was through her influence that Mr. Sargent consented to paint a portrait of my father in the Christmas vacation of 1897.

One more acquaintanceship of Cromer days should be mentioned, that of the George Buckles. Mrs. Buckle was a delicate, attractive woman, the daughter of James Pain, the novelist; while Mr. Buckle, as editor of the *Times*, had many subjects in common with my father, and he invariably accepted any letter which my father sent to that paper. We owe also a great debt of gratitude to the Buckles for teaching us a game of Patience, which they had christened 'Job,' as the comforter of many dull hours, and which beguiled many an evening in after days for us all.

It is not so easy for me to give a description of my father's circle of London friends, though some idea of the people who knew and admired him may be gleaned from the letters I have quoted, but this Memoir would hardly be complete without my mentioning a few others. If only he had kept his letters, I should have been reminded of those whom he had known when I was young, as then it was that he came into contact daily with his fellow lawyers and politicians. I do remember his great admiration for his opponent in the law, Mr. Benjamin, whose American birth prevented him from becoming one of our great judges; and for the robust and independent intellect of Lord Bramwell, and his pleasure when he consented to dine quietly with us. I think that perhaps his principal legal friends and opponents were Lords Russell and Davey, Sir Frank Lockwood, Mr. Justice Butt, and later Lord Finlay.

I must close the list by the name of that wittiest of judges, Lord Justice Matthew, whose charming widow, full of spicy anecdotes of the law, writes:

> Your revered father has left his children a noble heritage—unique indeed. Indifferent to that which most men desire, he made his own life, fulfilling ideals such as few can hope to

attain. But, above all his splendid gifts of intellect and character, in my heart stands first his infinite kindness during a friendship of nearly half a century, which will ever be dear to me.

The loss is irreparable of almost the last of those associated with our early days of hope and joy. His gracious hospitality will never be forgotten nor the charm of his beautiful personality . . .

Some of our oldest friends were the Charles Booths; he was the authority on the condition of the poor in England, and his delightful wife, a niece of Lord Macaulay, and gifted with the Macaulay memory and powers of graphic conversation; the Bryces, both Lord Bryce and his brother Annan, whose wife was a great favourite for her charm and good looks. Holman Hunt, the artist, and his wife were also people whom he enjoyed dining with, and having to dinner, as also Sir Bargrave and Lady Deane. Then there were the De Billys; he became afterwards a very brilliant diplomatist, but was then, as he put it, 'just one of the rubbish at the French Embassy.' His wife was one of the loveliest of women, a little plaintive and forlorn, on her arrival in this gloomy country, where on a November day she and all her French household deserted the house and went out in the Park, in the vain hope of seeing the sun! She captivated my father, who was very sorry when, after a year or two, they returned to Paris. Then there were the Raleighs, Mrs. Beck, and Mrs. Strachey; the latter went abroad with my sister, and my father met them at Berchtesgarten. She was reminding me how she had been cautioned by my sister about his lavishness in giving, so that when they arrived at Munich and he asked her, 'Now, what can I give you, Miss Raleigh?' —'as though the whole town belonged him'—she only suggested a peach, and was thankful that he was quite contented when he had procured her the finest to be had. We all had to resort to stratagems to prevent him from giving us too costly presents, sometimes in vain.

Then there were the Bernard Mallets. She had been Maid of Honour and Secretary to Queen Victoria, but the impression that he made on her was as great as on the others. She writes :

Your father was a wonderful man, and those who had the privilege of knowing him will never forget him. He was my ideal of the great gentleman of the old school, as well as the brilliant lawyer, in his own way absolutely unique. I am proud to have been allowed to know such a man and I venture to add really to have loved him.

The George Protheros were always welcome, and I do not think that even up to the last days the study was ever closed to Mr. Prothero, when he had time to come and pay us a Sunday visit, while his wife's charming sympathy and Irish humour rarely failed to evoke a smile.

The extracts from letters that follow deal with the period after my mother's death until my sister's marriage in 1895 :

Harrogate,
22*nd August*, 1890.

My reading is getting more extensive in the rainy weather, and mathematics and philosophy are beginning again to my great delight, now that my head is much clearer than it was on my arrival.

I am sorry to hear Badger's temper is bad. I talked yesterday to a gentleman who generally lives abroad, and has travelled nearly over the whole world. He showed me his little dog, a Maltese with shaved back, who has accompanied him in a basket on all his travels, and is wonderfully intelligent, and who takes kindly to Carlsbad waters when its liver is out of order. I am afraid Badger cannot be stimulated to emulate this example.

Badger was my Scotch terrier, a faithful friend for over twelve years.

The Granby Hotel,
Harrogate.

Dear Margaret,

The life here is so concentrated on oneself, unless one has acquaintances there are few things to relate. There are, I

believe, no barristers or politicians here; there are solicitors and merchants from the North, but I have not yet taken the trouble to talk to them. . . .

I have begun reading the life of Foster, Epictetus, and Jeremy Bentham. The first book is very interesting; it is the biography of a politician who was a thoroughly genuine and independent character with noble aims and a high sense of duty. Epictetus must have been a marvellous man; in spite of everything against him, a slave in the time of Nero, he was a most profound thinker, and his views on ethics and religion were as high and pure as that of any philosopher.

He wanted, however, what Matthew Arnold called sweetness. What the great Russian novels are to those of Walter Scott, that his philosophy was to the best philosophy since the time of Christ; there is a heavy grey atmosphere about it. Still it strikes me on reading it carefully as very fine work in parts.

Foster's parents were most remarkable people. The father, a poor Quaker minister, the mother a beautiful girl belonging to the rich Buxton family, their common religious enthusiasm and zest for philanthropic work making them fall in love with one another; both devotedly attached to each other, and yet their conviction as a call from Heaven bidding the husband preach and work in America, inducing them to live apart for several years.

Sunday. I must now finish this letter, or it will never go. Dicey has sent me Newman's introduction to Aristotle's Politics; a new book on statics has been forwarded to me, and W. Coltman has sent me some mathematical problems to solve. So that I have plenty of intellectual food for a week.

I met Lord Ashbourne, the Tory ex-Chancellor of Ireland. He talked very well, as all Irishmen do; he is of course an ultra Unionist, and a thorough Protestant of the North. He says that Gladstone revels in the debates on the Home Rule Bill, and would thoroughly enjoy bringing in a fresh one every year, to enjoy the pleasure of showing in the first place that the successive measures were identical in principle, and in the second place that they differed immensely from one another. Lord Ashbourne has too much of the political trade feeling about him. Justice Barry is also here. I must try and look him up, he is a man of great ability. I am more and more pleased with Harrogate, the scenery and the air, and think it and my clever doctor are doing me more good than Carlsbad. . . .

I enjoy much the solitary life; being the greater part of the day alone in the open air, and then alone with my books and papers.

Give my love to all, and tell them letters are very welcome.

After one or two visits he took a great dislike to Harrogate, probably owing to the grey skies of the North, and said nothing would induce him to go there again.

Das Englische Haus, Carlsbad,
1891.

The weather has got extremely fine, and the Lawrences and myself make frequent expeditions into the neighbourhood, which is extremely beautiful. Albert Dicey has suddenly resolved to leave to-night; his absence will be a great loss, for I shall miss his talk. There is Lady Augusta Paget here, who is the wife of our Ambassador at Vienna. She is remarkably young and active for her age, and has the most curious theories about health and other matters. She firmly believes in the Mattias Kur. . . . But then clever as she is, she is a great faddist, believes in palmistry, in walking with naked feet in the dewy grass of a morning, in the advantage of not eating any meat. Dicey amuses and irritates her by his utter scepticism on these and other matters, and on all her schemes of refinement.

The Lady Lawrence here mentioned was a wife of one of his former constituents, Sir Henry Lawrence, son of the Henry Lawrence of Indian fame, and was for many years Junior Treasurer of the Inner Temple.

Hotel d'Albion, Costabelle,
About 1891.

There is no doubt that the climate here, although wonderfully fine in many respects, requires great care on account of its sudden changes, and a combination of East wind with a hot sun, and is trying to those who are liable to colds.

The country here is most beautiful, reminding one much of Italy, but on the whole I prefer the Tyrol, where the people are a much finer race and the life simpler.

The hotel is *most* comfortable, and the society altogether much more agreeable than English society abroad generally is.

There are a great many people who know me. The Childers are most polite and obliging. The Duke of Connaught has been and asked Lord Sudeley (whom I know) to introduce me to him. He was most friendly, he seems very intelligent, and is the most courteous man I ever met. You will hear more about him from the letter I wrote to your grandmother. . . .

The political atmosphere is decidedly Gladstonian, and Gladstone's last reply to Chamberlain delights every one. The youthful vigour, the polite sarcasm, the good humour, and the many happy phrases which characterise the speech, spoken of course with his extraordinary fluency and grace of manner, must have made it delightful to listen to. . . .

As regards reading I do very little; I am only studying a German book by Lange on Die Arbeits-Frage, which contains an explanation of Max and Lassalle's views. I find it very interesting, and am much struck by the great learning and philosophic thought of the Germans. . . .

Give Nat my best love. My cigars are excellent, tell him, and the Continent I find very refreshing.

Bedford Hotel,
Brighton, 1890.

I have been reading the works of Momerie, the celebrated preacher at the Foundling Hospital, and am immensely struck by his ability and outspokenness. I hear Sydney met him once abroad; I should like to know him. He is abreast of the most advanced scientific and metaphysical knowledge and is a scientific believer; perhaps I value him too much because he has most powerfully expounded what I attempted feebly to express to Sydney in a talk I had with him at Cromer after dinner. I have undertaken to deliver a legal address to the London Chamber of Commerce in December, and have also sent a note to *Truth* on an astronomical problem referred to in its last number.

Last week I went to town in order to write an opinion in a case which Walton sent down to Brighton, but returned the same day. I am going to Chambers on Thursday and may perhaps sleep at Holland Park, but am not certain that I shall not return here the same day. . . .

Westgate,
Between 1890-99.

Westgate is a most admirable place for resting. The air is both soft and bracing, so that you can sit out with pleasure,

and there is no noise or vulgarity nor any display of fashion to disturb one. . . .

I have been reading J. MacCarthy's last volume. It is *just* worth reading, as it reminds one in rather striking language of things every one had once read in newspapers but which may have gone out of one's memory. His criticisms of men are always generous and he is evidently a man of wide culture, but there is nothing remarkable in his political observations, and the whole book reads too much like a collection of Newspaper articles.

I have brought down with me a volume of Mill's essays; they are brim-full of clear and original thought and are worth all the attention they require for mastering them.

I hope I shall find you well, and we must go to the theatre together and see the new play at the Haymarket and Hare in *Caste*.

August, 1890.

I have been reading Mill again, and am sorry to find him far less satisfactory than I did formerly. He is not a deep thinker and is far too diffuse.

Give all my children my best love. I have received Harry's report. It is very satisfactory with the exception of handwriting. Could you stimulate him on this head? It is a great drawback in all his examinations.

Dicey has just been here at Chambers, talking as fast as a steam engine works and always brilliantly cleverly.

Mill's Logic.—I think Mill has entirely failed to appreciate the value and import of a chain of deductive principle.

A general proposition contains numberless particular propositions. In a chain of deductive reasoning certain particular propositions involved in several general propositions are combined and thus a proposition is deduced, which, though readily involved in the general proposition already known, embodies a true proposition not before known, and a new proposition or truth is discovered.

One proposition in Euclid, viz., the 47th, is deduced from a few propositions and axioms, but it was not known before it was discovered by Pythagoras.

Just so the propositions in Newton's Principia are deduced from a few propositions and were therefore involved in them, but were not known till they were discovered by Newton.

Again, to take another example, it can be shown that an equation of the 2nd Degree represents a conic section, and from

that general proposition numberless propositions about a conoid can be deduced.

It is for this reason that a syllogistic chain of reasoning is really a system of combination, that Boole and others were able to show that it may be represented by mathematical formulæ and calculation.

Written to Tunbridge Wells from London, probably in 1891.

. . . . . .

I got to-day a most interesting case from Hollams relating to the disputes between Portugal, or rather Portuguese Companies, and the British Africa Company, the former claiming £2,000,000. It involves very interesting questions of international law and of the jurisdiction of British Courts.

Dicey has gone to very fashionable quarters at Carlsbad, to the Königs Villa. I have avoided this place to which swells 'repair.'

He writes with much interest, from Worleston Grange, belonging to Frank Behrens, one of my mother's uncles, at seeing the horses, and adds :

The dinner was pretty good, the wine (only claret) superfine.

He was equally interested in meeting a then Captain (now Admiral) King Hall, who was very religious as well as a teetotaler, very much in earnest, and evidently possessed of much knowledge of his profession.

König von England,
26th August, 1890.

We have had wretched weather during the last three days, but it is now clearing up. I am beginning to take the strong waters of the Sprudel and feel much better for them, although they pull me down a little, and make me less inclined for exercise and reading.

I think of leaving next Tuesday for Brussels and meeting Ben there ; but whether I shall travel through the night or stay at Frankfort a day I have not made up my mind. . . .

Mr. Armisted is still here ; he is staying with his invalid brother, and the wife and daughter of the latter. The wife is a very intelligent, refined, elderly German lady, and the

daughter is about thirty, frank, lively and straightforward and simple, but not good-looking ; but she has bright, honest eyes, and is a great favourite of her Uncle, who is always buying her things and tries to make her as happy as possible. They do their best to make me live Kurgemäss, and altogether I transgress the prescribed rules but very rarely and slightly.

The Duchess of Montrose is in my house and so is Chaplin ; they associate a good deal with Mrs. Bischoffsheim, but although we bow to one another I do not attempt to have any personal intercourse with them, as I dislike swells of *that* kind. Plunket is also here—he is a very attractive fellow. The place abounds with wealthy Americans and fat German ladies.

I hope you will find your Grandmother pretty well.

The German papers are dull ; the only questions they treat of relate to the meeting of the two Emperors and the Arbeiter Frage. The latter question is, as I always thought it would be, *the* most important of the day, and I think we shall see the progress towards the solution rapidly advancing.

The *laisser-faire* doctrine propounded by the old Free Traders as the maxim on which the science of political economy is founded, and on which I have no doubt Mr. Fawcett laid great stress, was at one time most important. From a certain point of view and on certain assumptions it is a true doctrine, but the truth it contains is only a very small part of the whole. A person understands generally his own interests better than another person or than the Government, and self-reliance and strength of character are the result of leaving persons to gather the fruits of their own individual exertions. These principles are not sufficient to solve social problems. It is only by combination that the working classes can prevent themselves from being ground down, but a combination of the working classes struggling against a combination of the Capitalists, which is the present phase of social and economic life, produces an enormous waste of wealth, a dangerous animosity of class against class, and great misery and suffering. In order to prevent this the two combinations agree to be represented by leading representatives, who must fix the terms on which labour is to be remunerated. This will be the first stage. The next stage will be co-operation, and what the third stage will be, will depend upon the future progress of mankind intellectual and moral.

Dear me! You will have had enough of this—so I will say good-bye.

ARTHUR COHEN.

Das Englischer Hofhaus, Carlsbad,
Aug., 1891.

My dear Margaret,

Having left London on Wednesday morning, I travelled right through and reached this place last night; the journey was pleasant enough. I had a beautiful view of the Rhine last night, which was very clear and fine. I travelled last night with a curious amusing man, shrewd and practical. He came from Manchester, and was very much of a Lancashire man. He knew the Winkworths very well. He seems very ill, but cheerful withal. As soon as he saw at Charing Cross that I did not mind which way I sat, he said, 'Oh, pray travel with me, and let me always travel with my face towards the engine, for I can't stand sitting the other way.' He amused me by the practical lessons he gave me.

'Sir, you must either make your money too easily or you spend it foolishly. Never give the waiter anything till you see he has given you full change for your English money.' He could not speak a word of German or French, but seemed to get on very well, and had a contempt for all foreigners. He is a stolid Tory, but had a very great regard for all Mrs. Winkworth's relatives, in spite of their 'folly' in political and religious matters. . . .

I brought a good deal of serious literature with me, but have just got a German novel Aline recommended me, Zwischen Himmel und Erde. It is clever, but far too circumstantial. The Germans seem to think that if the hero is a shoemaker, it is necessary to describe most minutely the art of shoemaking, otherwise they are afraid of not being thorough enough; they are not content with describing a character. They must describe all the various causes that go to form the character. I found the description of the people you met most interesting, and envy you your power of throwing yourself into the feeling of others. As usual, one envies that of which one has the least. I mean to get as much good out of the waters as possible, and to live a very regular kurgemessen life, so as to be as useful as I can on my return. . . .

I wish you and Miss Raleigh were here. All sorts of people are here from all corners of the world and all stations of life; they would interest you, although the majority consist of stout over-fed men and women.

CHAPTER VI.

In 1893 my father joined my younger sister Katie and me at the Maloya, delighted to be again in the Engadine, where we met Mrs. Craigie (John Oliver Hobbes). We went on to Varese, where were the Bancrofts. He had always admired Lady Bancroft's acting, and encouraged by his courtly, complimentary remarks, her spirits rose and she was at her best, mimicking, and giving vivid representations of her early stage experiences, which much amused my father. We had living at Varese some Italian cousins (the Leoninos), who were delighted to welcome us to their beautiful home and to take us wonderful mountain drives in their four-in-hand. My father told them he would like to live in Varese when he retired, and often on foggy days he reverted to this idea and to the beauty of the scenery and the climate.

We then went on to Como, where we made the acquaintance of Mr. Charles Butler, who was travelling with the Mundellas, a man of most original mind ; and the acquaintance ripened into friendship. The seeds were sown during a glorious drive which Mr. Butler took us above the lake. Miss Mundella laughingly pointed to Mr. Butler's shabby, patched trousers, saying, 'Now what do you think he is, Mr. Cohen?' My father replied in his most courtly manner, 'Either a philosopher or a millionaire,' which, as the old man considered himself to be both, won his heart at once.

Mr. Butler was a great connoisseur and collector. We met him again that summer at Perugia. He would always carry some pieces of bread in his pocket, with

which he would stop to feed the horses in the street, both abroad and in London. We used to wonder why he was taking these stray scraps from the table d'hôte, and then saw him stop to feed and speak to any four-legged animal that might come across his path. We often met at the market-place in Perugia, where he would help my young sister to choose small antique coins with as much attention as if he were making the purchase of one of his own old masters.

He would offer his copy of the *Times* to my father, over which he himself spent two or three hours daily, saying a man might gain a liberal education, if only he read that paper through carefully from end to end. My father, on the other hand, unless there were some particular point which he wanted to study, could glean out of a paper all he wanted to know in a quarter of an hour.

Mr. Butler, who had been a banker and also a director of a large insurance company, enjoyed discussing legal points as well as politics with my father. He belonged to the old Manchester school of Liberalism, believing in the *laissez faire* doctrines; he was suspicious of an alliance with France, and still more so of one with Russia, and disapproved of Mr. Gladstone's politics. He was another instance of a man of different views to my father's in almost everything, who yet found a common meeting-ground, and almost disbelieved that my father really was in some respects a Liberal of the new school. My father enjoyed talking with him, for, although, as he would smilingly tell him, he was a 'most prejudiced man,' he was a man who thought for himself. Mr. Butler would come round to our house and take him occasionally to a picture gallery, or engage seats for us at the opera, saying there were three things that could be always offered without offence—'flowers, books, and tickets for the opera or theatre.' He even one day persuaded my father to get into a hansom with him and go to the Zoological Gardens,

though generally my father had an objection to seeing 'those fine beasts in captivity.' Strange to say, he was very fond of a circus, and watching the performances of horsemanship.

Mr. Butler later on suffered from intense melancholia, and my father was one of the few people he would see as soon as he began to recover.

The following letter of about this date is written from Cromer. We were moving from Holland Park to Great Cumberland Place. The idea of my father 'hurrying matters on' much amused us. He had decided that he wished the dining-room to be painted red, 'a cheerful colour.' I asked him when he was in town to choose the shade. When we met he said proudly: 'Yes, I have chosen an excellent red. I had several shades painted on the wall, and then put it to the vote of the workmen.' We used to call it our democratic colour, and not a very pretty one:

To M. C.

Cromer. 1893.

During the last week I have been reading a great deal of Carlyle and the first volume of Entartung, a philosophical work Aline lent me. Carlyle is at times marvellously picturesque, so that his prose becomes quite poetical; but his style gets to weary one, and after reading a good deal of him, my head gets so full of Carlylian noise and hammering that it keeps me awake at night. I think his essays on Goethe, Diderot and Johnson the best things he has written. There is no doubt he gives one a good moral shake and is most eloquent and powerful in making one feel the mystery of things, men and women, and in showing that mere logic goes but a little way in shaping one's ideas on the highest and most important subjects; but he throws little light on the mystery itself. He carries you up as it were on a mountain where you behold the star-bespangled heavens, he carries you down to the earth's centre where you see the fires and volcanoes that work beneath its surface, but he does this in what you may call a whirlwind voyage, and never lets you have a moment's repose, far less a lucid explanation. The object he has in view when writing history is to describe so graphically the men and things of the past that you

may actually see them, and in this I think he succeeds in a marvellous degree. As regards his philosophy, he is a great moral teacher, being an irresistible destroyer of shams of all kinds, and with a thorough veneration for all that is real and sincere. So much for Carlyle. As regards Entartung, it is a very able German work on the decline of Society through want of moral and intellectual balance ; it is very interesting, but is too confident and Godless to satisfy me. What a strange book for Aline to study.

I have had my mathematical books packed so as to prevent me from indulging any more in riding my hobby ! . . .

And now about the house. I shall hope to hurry things on when I get to London. We ought to get in within a fortnight even if we do not get settled by that time. I rather dread the beginning of work again, not having opened a law book for two months, and having to prepare myself also for the Treasurer-ship, the name of which would seem strongly to indicate my unsuitability for it. . . .

Marjorie (his first grandchild) is extremely bright and entertaining, and shares, strange to say, your Grandmother's partiality for Willie's abominable songs.

In 1893, as this letter foreshadows, he was Treasurer of the Inner Temple. He entertained the then Prince of Wales and other distinguished guests, such as Sir Evelyn Wood.

About this time there must have been a vacancy on the Bench, as Professor Dicey received a letter from Mr. Justice Charles, saying :

I rejoiced to read your testimony both in preface and dedication to Cohen. Justice has never been done to him. There is certainly no one at the Bar with a greater mastery of legal principles and few, I should think, with so much legal knowledge. It is strange that he has not long ago been made a judge or a Lord Justice.

However indignant his friends might be at his being passed over again, there never was the slightest tinge of bitterness on his part, nor any resentment ; the utmost I have ever heard him say is, 'They have not treated me very well.' And that would only be in answer to some indignant remark of a friend.

Professor Dicey himself wrote to me on this occasion :

26th Oct., 1892.

My dear Miss Cohen,

I must write you a line to say how much I enjoyed my little visit to you ; it was a most refreshing change. No telegram has arrived, so I expect there is no good news. I cannot say how keenly I sympathise with you in your anxiety or possible disappointment. Every friend must long to see him in the place for which he is so thoroughly fitted, and to which he has in every way a good right. I am, however, not by nature sanguine, and on this occasion I do not expect my hopes to be gratified. If there should this time be disappointment, there are one or two things I trust you will not forget. It should be always in your mind what a great honour it is that the Judges, and I might say all competent critics, desire to see your Father on the Bench. We must all, too, bear in mind that if active politicians get precedence in promotion, this is because your Father has refused to sink into a politician. I can speak the more freely because I do not agree with him on Home Rule. I am certain he has never uttered an unfair word—I wish I could say as much for myself—and that he never said more or less than he believed. I do think this perfect equity has some connection with mathematical power. It is the very highest of judicial virtues—I think Hannen possesses it, but it is not a virtue which leads in general to being made a Judge. I know you know all this, and will hardly thank me for boring you with what seem moral platitudes. But as a Professor and a Unionist I have a double right to be a bore ; and in sober truth nothing seems to me more lamentable than the small respect paid in politics to men on account of their justness. However, all that has happened does make me trust that soon, even if not now, we shall see your Father in his right place, *i.e.*, on the Bench, and ultimately in the Court of Appeal.

It is a comfort that I thoroughly believe he takes the matter far more coolly than we do. Yours most sincerely,

A. V. D.

My brother writes as follows about my father's legal career :

In the appendix at the end of this Memoir will be found the article written for the Law Quarterly Review in 1915, by

Professor Dicey, which is reproduced by the courtesy of the latter, and of Sir Frederick Pollock, the editor. This article and the letters quoted in this Memoir give such a full account of his qualities as a lawyer that there is a little more to be said about him in the practice of his profession. But some of his more striking characteristies may be mentioned, together with a few cases which have become household words in the legal world. Undoubtedly his chief characteristic was his passion for law as a science, and his endeavour to bring every legal problem within some doctrine of general application. Possibly it came from his mathematical turn of mind, but certainly it was the fact, that his chief object was to get back to first principles, and it was an acute intellectual pleasure to him to be able to argue a case depending entirely on abstract principle, and not upon particular facts.

Hence arose his practice of continually reading quite elementary text books, such as Blackstone's Commentaries (of which he always read quite an early edition), and Williams on real property; hence also his elaborate manner of preparing his cases. As was remarked by Lord Justice Mathew, 'Cohen digs and digs, and generally finds gold. I scratch the surface, and sometimes find it.' Perhaps it was for this reason also that he was not seen at his best in the lower courts. Certainly he was not a great advocate in the sense in which that term would be applied to men like the late Lord Russell of Killowen, and his name will never be found in connection with any sensational or libel case. He was not fond of addressing a jury, although he had a strong belief in their practical common sense; nor was he particularly skilful in handling witnesses. But it was universally acknowledged that in a certain class of case he was pre-eminent; and although his reputation has generally been ascribed to knowledge of international law and commercial law—in particular insurance and banking cases—it really deserved a wider recognition, because there was no branch of the Common law on which his knowledge was not profound, and no legal problem, so long as a question of principle was involved, on which his opinion was not perhaps more valuable than that of any contemporary barrister. The leading cases, therefore, with which his name is associated, are cases before the House of Lords, the Privy Council, and the Court of Appeal. He had the reputation of being the leading junior of his time when the art of pleading was really a fine art, and had not degenerated into its present laxity. He learned this art with the eminent special pleader,

Mr. Dodgson, who regarded him as his best pupil ; and to be a real master of the art of pleading involved an accurate knowledge of legal principles of every kind. (I may mention that Lord Bowen, whose knowledge was more versatile, and even more universal, was also a pupil of Mr. Dodgson).

Possibly his second most striking characteristic was his untiring industry. He would make the most elaborate notes over and over again, and always looked up every authority remotely bearing upon the case. I cannot speak with knowledge as to his earlier days, but I think it is very probable that he was then too busy to make notes in the same way that he did in the later cases. For that reason he may have argued his cases with greater fire, if with less elaboration. And although out of kindness to others he constantly asked them to get up a case for him, I doubt if the notes they made were ever of much use to him, because he had not the talent which the late Lord Justice Coleridge ascribed to himself, of using other people's brains.

On the other hand, to see him work at a case and to hear him discuss the points as he would do with a beginner, with infinite patience, was a valuable legal education. I suppose that for a good many years if there was a question of what lawyer should be selected to argue a difficult question before the House of Lords or the Privy Council, the choice would generally have fallen upon my father. Thus, when a vexed question as to 'one man companies' went before the House of Lords as a test case (Salomon's case), Lord Wrenbury (then Mr. Buckley), although the greatest master of company law, refused to take the brief unless my father consented to lead him. He often said he believed he had been concerned in every important insurance case of his time, and also that he had studied and was acquainted with every insurance case referred to in Arnould's work on insurance.

The late Lord Alverstone, in an appreciation of my father which he wrote for the family, specially mentions his arguments in the case of Swansea *v.* Svensen, Wallace and Attwood *v.* Seller, and my father himself was very fond of talking of Potter *v.* Rankin, the well-known case on total loss and abandonment, tried in 1867, when he had been but ten years at the Bar. Won in the Common Pleas before Bovil C.J., Willes J., Keating J., and Montague Smith J., lost in the Exchequer Chamber before Cockburn C.J., Kelly C.B., Channell B., and Lush J., it was won again in the House of Lords before Lords Chelmsford, Colonsay, and Hatherley,

with Martin B., Bramwell, Brett J., Mellor J., and Blackburn J., advising; and there Benjamin led my father for the appellants. It is at once an illustration of the heavy work in which he was already engaged and of the thorough method in which the arguments of the day were submitted and considered—a method to which his own habits of thought were the more suited.

In the Charkieh in 1873 he appeared for the Khedive of Egypt, who claimed the privileges of a Sovereign Prince. In Ashbury *v.* Riche, heard in the House of Lords in 1875, soon after he had become a Queen's Counsel, we find him arguing important issues as to the powers of statutory companies. In R. *v.* Keyn (the *Franconia*) in 1876 he was engaged for the appellant Keyn, and successfully. That case is a mine of learning on the jurisdiction of the Crown for criminal purposes within what are known as territorial waters, and on the international law applicable thereto. The British S. Africa Company *v.* The Mozambique Company raised a question as to the right to sue in England for trespass to land abroad. Here he led for the appellants, and was successful in reversing the decision of the Court below, and his argument contains an elaborate and exhaustive explanation of the law upon the whole subject.

In the Imperial Japanese Government *v.* Peninsular and Oriental Steam Navigation Co. in 1895 he had to discuss the question as to jurisdiction of Consular Courts to entertain actions against subjects of the country by way of counterclaim. In Spilsbury *v.* Reg. in 1899 he argued the question of the Supreme Court of Gibraltar. Amongst other cases may be mentioned the Royal Exchange Shipping Company *v.* Dixon and Co., in which the Counsel engaged were Davey, Russell, French, and Gorell Barnes; the Merchants' Bank of Canada *v.* Lambe, a case on the construction of the British North America Act; the Sanitary Commissioners of Gibraltar *v.* Orfila, the Duke of Buccleuch; Ss. *Utopia v.* Ss. *Primula*, South Africa Co. *v.* De Beers Mines, Fielding *v.* Thomas, La Bourgogne, De Beers *v.* Howe, and Webb *v.* Outrim.

All these were cases of the first importance, and it is only necessary to look at the reports of cases decided in the House of Lords and in the Privy Council to see the number of cases in which he helped to make the law. In addition to these were the Indian Appeals before the Privy Council in which he appeared frequently up to the last year or two of his life. He was one of the Counsel in the Jameson Raid Inquiry;

and his work extended beyond the Courts of this country. He appeared with distinction before international tribunals and was consulted in questions arising on the Law of Nations. He was retained in 1872 to assist Lord Selborne in the British case before the *Alabama* Arbitration Court; again, in 1903, he represented Great Britain before the Hague Tribunal in the Venezuelan claims case. He is known to have advised the Foreign Office in the arbitration known as the Costa Rica case.

That his knowledge of commercial law was widely appreciated is shown from the fact that he was Counsel to the Institute of Bankers and (I think) to the Society of Chartered Accountants, besides being standing Counsel to various big insurance companies, the Surrey Commercial Docks, and similar large commercial undertakings.

In addition to being probably the most learned lawyer of the day, he possessed the most valuable qualification for success —a remarkably strong constitution and an extraordinarily serene temper. He used to tell me that he had the reputation of being somewhat rude to the judges, but I rather doubt it, as he was the most courteous of men even when courtesy was very difficult. I think possibly he was a little irritated when he thought a judge stupid, and had imbibed from the late Mr. Benjamin the idea that they were not so clever as they were supposed to be.

He was excellent in arbitrations, of which he had a large experience, because so many insurance policies contain arbitration clauses. The serene atmosphere of a tribunal of this kind was well suited to him, and as an arbiter is chosen for his special knowledge of the class of case which is referred to him, my father could be sure of an appreciative and intelligent hearing, and could present his arguments in their shortest and neatest form. He was also excellent as an arbitrator himself, and seemed to impose upon the Counsel arguing before him his own practice of taking the really big points and eliminating any trivialities which might tend to obscure the main issue or embitter the disputants.

He liked always to have consultations with his lay clients, especially in commercial cases, and used to say that he derived invaluable information from them. Indeed it was sometimes rather amusing to see the detached unworldly point of view from which he would discuss with them such a subject as a prospectus. One of the most eminent of living solicitors who knew him in his prime, writes: 'It was my privilege to know

him intimately for thirty-five years. I use the term "privilege" advisedly, for no one could be brought into contact with a man of his character and attainments without thinking at any rate that he had benefited by the experience. Within my recollection of the Bar no man ever held the same position in the estimation of shipowners, underwriters and merchants, and their solicitors, as did Cohen in his prime. It was the commonest thing in those days for solicitors in the City who could not agree upon the legal rights of their respective clients to submit the matter in dispute upon an agreed case to Cohen, and to agree to be bound by his decision. His opinion on any question of commercial law and especially upon the question of shipping or insurance law was readily accepted by commercial men and their solicitors as conclusive. He was slow, it was useless to hurry him: that is why his practice never attained the dimensions of other and far inferior men. But he acquired a position of pre-eminence in the estimation of the commercial world, such as no other man in my experience ever approached.'

A member of the Judicial Committee, before whom my father often appeared as advocate in Indian appeals, writes of him: 'His characteristic as a lawyer was his strong instinct to find always a broad principle to govern the case in hand, and he generally succeeded; and I am not sure whether that is not really the difference between a great lawyer and a lesser one. That perhaps is part of the reason why his arguments before the Privy Council were so helpful, more so to me than those of any man at the Bar.'

He was fond of reading the judgments delivered in the leading cases of the past generation, and used to deplore the modern tendency of judges to deliver long discursive judgments.

There is a danger in isolating periods and in failing to see the connection between one generation and another; but none the less there are certain broadly defined periods in the history of every sphere of activity, and in the last hundred years of the legal profession the line may perhaps be drawn at the Judicature Act of 1873. My father, who was called in '57 and took silk in '74, belonged to what may be called the old school, and was probably the last survivor of it.

Sir Thomas Barlow (the Doctor), who had a great respect for my father, said to me that there were in each profession men who, although not in the biggest practice, held a position which was unique on account of their learning and character,

and that he always understood that that was the position which my father held in the legal world.

To this account it almost seems superfluous to add that my father was constantly willing to give his legal advice to any poor friend or acquaintance. There are two letters kept from some very early date. One says:

It would have been most pleasant to me if you would have allowed me to force a fee upon you ; but if I am not to be allowed to have my own way, the best thing for me to do is to be defeated gracefully, and to accept your kindness with thanks. I am very *very* much obliged to you ; and the more so because I fear, though I never suspected it at the time—that you must have put yourself to some personal inconvenience in order to be present. . . .

The other letter, dated 1869, says :

I hope you will not be offended by my asking you to accept a few bottles of ' Domercq ' sherry of a high brand : pray believe me that I would not insult you by offering so trifling a thing with any idea of recompensing what *cannot* be paid for ; but simply that a glass of it may recall to your mind a case which (of course) I can never forget : and in which I am most thankful *that you* were concerned.

There was a cabman who persisted in bringing him voluminous papers to study in support of a claim for money which he said was due to him.

The chief precept about the law that I learnt from my close connection with my father was to avoid resorting to it in private matters wherever it was possible, and to choose a compromise. I also well remember him encouraging a timid lady who had to appear as a witness, saying : ' All you have to do is to answer any question put to you as truthfully and as shortly as you can, if possible by merely " Yes " or " No." ' Another precept was, that it was dangerous to call in the evidence of servants, they were so apt to get hold of a half-truth.

He quotes from Erskine at the trial of Frost :

Does any man put such restraint upon himself in the most private moment of his life, that he would be content to

have his lowest and lightest words recorded, and set in array against him in a Court of Justice? Thank God, the world lives very differently or it would not be worth living in. There are moments when jarring opinions may be given without inconsistency, when truth itself may be sported without the breach of veracity, and well-imagined nonsense is not only superior to but is the very index to wit and wisdom. I might safely assert, taking too for the standard of my assertion the most honourable correct and enlightened societies in the kingdom, that if malignant spies were properly posted, scarcely a dinner would end without a duel and an indictment.

CHAPTER VII.

In the vacation of 1895 my sister Katie and I started again with my father for the Continent, this time to the Austrian Tyrol. We happened to be at Madonna di Campiglio on the birthday of the Austrian Emperor. The Austrian guests at the hotel thought that a Queen's Counsel had much greater access to his sovereign than is really the case, and he was asked to propose the health of the Emperor. He could not be persuaded to do this in German, but his enunciation was so clear that the majority of his audience said that they were able to understand him. At this place he would take long mountain walks ; and here we met the present Lord Justice Warrington and his wife, who became fast friends. It was on this journey that we became acquainted with another great friend in rather a characteristic fashion. It was at Cortina, and my father had been looking ruefully at his fast-diminishing store of tobacco. At table d'hôte we had been talking to Mr. Matheson, of New College, and his friend, Mr. Francis Smith, who were both leaving for England. Mr. Smith generously entrusted me with his tobacco pouch *full*, to be given to my father, *after* his departure, when the present *must* be accepted—the surest way of gaining my father's heart ! Mr. Smith later on accepted my brother Harry as his articled clerk, and through his representations my brother eventually joined the firm of Paines, Blyth, & Huxtable, of which he is now (1919) a partner.

Later in the same year (1895) my sister Margaret married Theodore Morison (the son of Cotter Morison)

who held a post at the Mohammedan College at Aligahr, of which he subsequently became the head, and she left England for India, where she remained for ten years, until her husband was appointed a member of the India Council in London. My father had always taken great interest in India ; he was Standing Counsel to the India Office, and said that if it had been offered when he was a younger man, nothing would have interested him more than to have accepted the appointment as Judge of the High Court of Calcutta, which was offered to him in the nineties. Accordingly this connection with India opened a fresh field of interest to him.

This was the first marriage in our immediate family outside the Community. My father thereupon renounced his Presidency of the Jewish Board of Deputies, which he had held for fifteen years; he felt this severance from an old association, but characteristically, he never let my sister know that her marriage had been the cause of it. He writes to her early in the year before her marriage as follows :

London, 1895.

My dear Margaret,

I wonder how you are in this dreadfully cold weather, and how your health stands it. In one respect you are better off than we are, for the rooms in our house are not warm, and cannot be made warm, whereas I fancy yours are smaller, and can be made more comfortable. How dreadfully cold the poor must feel it. Are there very many poor people in Salisbury? Here in London the severe weather and the stagnation of trade are producing a dreadful effect in many of the most populous quarters of London. I blame the Government for not having taken notice of the distress of the country and in London in the Queen's speech, and in attempting to do nothing until forced at the last moment to appoint a committee. In fact, I think the Government are doing badly. The country does not call at present for any great constitutional change, and no such change can be brought about in the absence of an urgent enthusiastic wish for it; and what makes people now most anxious is the apparent decline in agriculture and trade, and the

serious difficulty we have in competing with foreign countries. On these questions very little light is thrown, and although you cannot reasonably expect a Government to originate any great measure of relief until a principle has been devised by thinkers and carefully considered by the public, the Government ought to show itself alive to the critical state of affairs, and ought not to waste the efforts of the country in a struggle and contest about a great constitutional change such as that relating to the Lords, which cannot in the least remove the threatening dangers of the present time.

I am not a jot less radical than I was, but I have far less confidence in the present Ministry.

I have been reading Balfour's new book—The Foundations of Belief. It is the toughest reading I have ever done. It is very clever and in some parts eloquent; but it is very difficult to find out what the author really means, and it is not written in that simple earnest style which the grand subject he deals with demands. I fancy he wishes to assert the following propositions: We can have no solid ground for believing any scientific assertion except on the assumption that the world is governed by a God who does not deceive us. Secondly, the so-called truths of science cannot be proved without making assumptions which require us to believe in what cannot be proved, and, therefore, faith is absolutely necessary.

The second of these propositions is one which I have held ever so long, and is no doubt one of fundamental importance. I suppose Huxley and Spencer will answer Balfour, for his attack on them is very direct and powerful. . . .

I forgot to put in the foregoing sheet, since then we have had a little fire in the house, Lucy laid up with influenza; and I have been very busy in and out of Court. . . .

I should like to hear from you much, much being an adverb and an adjective substantive in that sentence.

(Characteristically he never mentions that the fire took place on the night when we gave a large dance.)

My brother Harry writes:

The comment in this letter on Mr. Balfour's Foundations of Belief illustrates his outlook on religion and philosophy. He appreciated to the full what Mr. Balfour himself describes as—'the difficulty of harmonising the pedigree of our beliefs with their title to authority'; but this led him, not away from but towards faith.'

He quotes from Kant :

The greatest and perhaps the sole use of all philosophy of pure reason is after all negative, since it serves not as an organism for the enlargement of knowledge, but as a description for its delimitation ; and instead of discovering truth, has only the modest merit of preventing error.

Rationalism and the philosophy of Herbert Spencer were opposed to his whole line of thought. His sympathies did not lie with a philosophy that sought to prove its truth by deductions drawn from external facts. He considered it futile to argue that certain tenets of religion might not correspond with facts as we understand them.

He quotes from Huxley :

We have knowledge of what is happening and what has happened. Of what will happen we have and can have no more than expectation, grounded on more or less experience and prompted by *the faith*, begotten of that experience, that the order of nature in the future will resemble its order in the past.

And again :

A miracle is not impossible, but it is so improbable as to require extremely strong evidence to support it.

And from Bishop Butler :

The only distinct meaning of the word 'natural' is stated, fixed, or settled, since what is natural requires and presupposes an intelligent agent to render it so, *i.e.*, to effect it continually or at stated times, as what is supernatural effects it at once.

In the vulgar sense a creation of all things at a certain time, followed by a quiescence of the first cause and an abandonment of all sequence of phenomena to the laws of nature or to any other words that people may use is absolutely absurd.

My father considered it, however, futile to argue that a religion must necessarily be false only because it does not correspond with facts *as we understand them*, and was inclined to believe that religion could only be recognised by a kind of sixth sense which was founded on intuitions regarding fundamental and spiritual

truths, which made a certain class of men susceptible to things appertaining to the spirit.

He would never hastily discard a theory because it *seemed* impossible. My sister once gave a pretended séance of thought-reading; my father was deeply interested and impressed by the supposed manifestations, though his more practical brother kept exclaiming, 'It's all rubbish.' He made her repeat the experiments several times. The next morning he greeted her by saying: 'I have been thinking all night of those experiments, and I see a possible solution.' When she told him that it had all been a trick, he took it with his usual sweetness and serenity. His mind was always open and almost anxious to receive new impressions. His one desire was 'not to become fossilised,' and when nearly eighty, in spite of ill-health and a very retired existence, this attitude made life still so interesting to him, that on being questioned, he said that he would like to live to be a thousand, in order to see the fresh developments of science and philosophy.

What he could not stand was an assumption which was presumed to be founded on reason, but which was arrived at by an illogical train of argument. He once went to hear a sermon preached by a divine, considered to be very advanced and broad-minded; he listened closely, and then my sister saw him attracting the attention of the congregation by shaking his head violently and burying it in his hands, saying: 'I cannot bear it.' She begged him to restrain himself till the end of the service, and when he came out, he said: 'I could not stand it, it was all false reasoning.' Exactly in the same way, he afterwards observed about some one who had been volubly, and as he thought, triumphantly, expounding what he considered to be rationalistic philosophy: 'It was impossible for me to argue with a man of untrained intellect.'

Again to quote my brother Harry:

In his later years he read almost every day portions of Marcus Aurelius, Epictetus, and Claude Montefiore's commentary on the Old Testament. They were not mere bedside companions of the kind to which the pious so often pay the doubtful tribute of a bedside manner; they were study companions, and he took them with him whenever he went away.

When he was very anxious about the health of one of his children, he writes to me:

The only books I have been able to read are C. M.'s Bible and Johnson's Lives of the Poets. I am much astonished to find what simple and beautiful English Johnson could write when he chose to abandon the 'elephantine style.'

In parenthesis, I might add that Claude Montefiore is a younger cousin of my father's, and has written various books on Judaism, from a very advanced point of view; the book which is most widely known, is his Bible for home reading, which though giving the chief parts of the Old Testament in a direct translation from the Hebrew, also has explanatory notes on the history and texts. C. M. wrote a most sympathetic and appreciative account of my father in the *Jewish Chronicle*.

The next letter is written on the eve of his departure to join my sister Katie and myself at Marienbad. He travelled straight through, delighted to get away, and began to take the waters next day, in high spirits. But the day after, he was taken seriously ill, with an attack that must have been brewing for some months. We travelled slowly back and he was laid up for two weeks on his return. From this date, '96, his health was never the same.

92 *Cumberland Place*,
July, 1896.

I was sorry to have missed you and Katie at the Railway Station, but am glad to hear that you had a good passage. I suppose on Monday you will be at Marienbad. I have taken my ticket, starting for Dover on Sunday. During the last four days I have been busy, and shall have work to occupy me

Monday and Tuesday. You will be glad to hear that Ben was left without his leader in a case of importance, and that Mathew, the Judge, stated (and this is repeated in the *Times*) that he conducted the case with great ability. Dicey has sent me a copy of his book dedicated to me, and mentioning my name in the preface in a remarkably and, I think, extravagantly eulogistic manner. . . . I am made very comfortable at home, and not at all tired of work, as I generally used to get on the approach of the Long Vacation. . . .

London is rather excited by the revolt of the Irish Lords against the Government. They have beaten the Ministry, and damaged their party a good deal; there is also a strong feeling that Europe can no longer tolerate the atrocities committed in Turkey, or rather Crete, and that some great crisis is not far off.

In the following year (1897) Sargent painted his portrait. My father was most reluctant to be painted, and I remember him saying quite simply, 'Mine is a face I particularly dislike.' However, as a concession to his children, he consented to use part of a small legacy for the purpose. So one very foggy Christmas vacation he went to Sargent's studio. On the first morning Sargent just asked him to sit down, and in a moment drew a pencilled sketch of him in a tiny note-book, and asked me if I liked the attitude. It was so lifelike, that I always wish that I possessed it.

The portrait only took nine sittings, of never more than two hours, and they were made as easy to the sitter as possible. After an hour Sargent would let my father rest for a few moments and they would both smoke, and Sargent would probably stroll to the piano and strum one of Fauré's songs. He was a delightful companion and never wearied his sitter, in the hope of entertaining him, by an incessant flow of conversation and anecdote, as Herkomer would do. He would just talk if the spirit moved him, and I think this made his sitters keep their natural expression. His remarks on his sitters were, however,

very interesting, and inadvertently showed that by the attitude which he gave, and the surroundings which he chose, he helped out the idea which he had formed of their character. I say inadvertently, as he only professed to put down just what he saw, without a preconceived notion, and asserted that he could paint nothing from memory or imagination, but only gave a replica of nature.

He used to walk back several paces from the canvas, and then return and put on two rapid strokes of his brush, that had the effect of making the figure grow out of the background; then walk back again, look intently, and repeat the process, so that as much of his work seemed done away from the canvas as on it.

He had just been painting Mr. Chamberlain, the Countess of Essex, and Mr. Wertheimer; this last picture was so intensely clever, and withal entertaining, that if my father looked dull, I would beg Sargent to bring forward his favourite picture, and his expression would at one relax.

The portrait of my father went very easily; in many ways it is lifelike, but perhaps it fails to give the sweetness of expression of the mouth, and some of his admirers said that it did not nearly do him justice, but all agree that it is the one of the portraits of Sargent that presents no quality that one would wish not to be presented.

In 1897, my sister Katie married a connection, Jack Waley Cohen. This gave my father great satisfaction; he enjoyed being again brought into contact with people who kept to the older Jewish usages, and was gratified by their pleasure at the marriage. He liked the orthodox wedding, which is really a very beautiful ceremony, and indeed, many of our Christian friends who were present said that they preferred it to their own.

He had always taken a part in Communal matters,

and was still appealed to on matters of policy. He also spoke at dinners given for various charities, and gave away prizes at some of the Jewish schools. He was always ready to subscribe to and support any schemes for the benefit of the community, and was accepted in many ways as one of the representative Jews in public life, being the first professing Jew to take his degree at Cambridge, and among the first to have a large practice at the Bar, and to be elected for Parliament.

Lord Reading wrote to him :

> I once said in public that I tried to mould myself in my profession according to the example that you had set. When I came to the Bar and I heard men speak of you, I said to myself that I should be proud indeed if my fellow barristers spoke of me in anything like such terms. I have been very fortunate, and not the least part of my good fortune is that the Bar seems to welcome my good fortune, and that our poor community is so very pleased that this appointment should have come to one of the race.

As the number of Jews who took part in public life became greater, my father was of opinion that they should exercise great care not to use too large a place in the public eye, by display of too much ostentation. He thought, too, that it was hardly for their benefit to have a larger proportion of members in the House of Commons than corresponded to their population in the country, and that a too great predominance in positions of importance would be apt to draw down upon them the dislike and envy of the country of which they were citizens. Though no one could have been prouder than he was of the undoubted ability and intellect of the race, he did not look with favour upon the fact that many of the most opulent, and not the most distinguished, succeeded in becoming intimates of King Edward, and so gained a not always well-merited prominence.

I find two letters referring to the year 1898 :

Extract from letter to L.C.

Lord Warden Hotel, Dover,
April, 1898.

I find Dover very pleasant. I crossed over to Calais in a gale, and have just returned, and find the sea and air have done me a great deal of good.

The hotel is most comfortable, and I find Bertha and my brother very well.

I shall cross over to Calais as often as I can. One great advantage of the sea air is that at first it rather disinclines one from study, and I have done nothing more than read some of Lord Stowell's great judgments in cases of capture in time of war.

I am very anxious to know whether there will be war between Spain and the United States, and when I state that one main reason is because Spain and the United States did not assent to the alteration of maritime belligerent law as declared by the Treaty of Paris, I feel rather ashamed to find how one's feelings are tainted by one's professional pursuits. But the old law which justifies a belligerent in seizing enemy goods on board a neutral ship gives rise to most delicate and interesting questions. Should war be prevented by the mediation of the Pope (I do not think it will), it will be a most remarkable event . . .

I think Winnie's second problem has not been correctly given by her ; at any rate, I have not been able to solve it.

He writes in 1896 :

26 *Great Cumberland Place,*
1898.

I will take Mary to the Gully's. She has been canvassing actively ; Sir F. Pollock will support Sir Algernon West. The dinner at the Pollock's was extremely pleasant. I took down Miss Ritchie, whom I liked very much. Lord and Lady Shand, Dicey, and young Macnaghten were there. and Lady Pollock was very agreeable. The conversation was brisk and interesting, and I found myself to my great astonishment talking a good deal. . . .

I went yesterday to the Borough to support my old friend Mr. Hunter as candidate for the County C.

I was induced by many favourable reviews to buy Bodley's book in France, but I found it dreadfully over-praised ; the style is artificial and obscure, and when he attempts to philoso-

phise he appears to me shallow. Moreover, I do not think the parliamentary institutions of France to be worth so close and minute a description ; especially as the author's thesis is that no parliamentary institution can ever suit France, and that the system of centralisation introduced by Napoleon is so firmly fixed that it cannot be disturbed or amended. I send you the 1st volume as there has been so much talk about the book.

I saw Ben Leigh Smith yesterday ; he seemed in far better spirits than I have seen him for a long time. Dicey and I awarded the prize to G., an unattached student. Simon was second, and is by far the more brilliant man, but G. was more accurate in his knowledge and had worked evidently more thoroughly. I was most fascinated by Simon's style and manner of writing, but I am glad Dicey induced me to agree with him in giving the prize to G., for he is a poor man who has worked his way up, and his letter to Dicey, expressing his delight at getting the prize and stating the very great use it will be to him was extremely touching.

In 1899 my brother-in-law, Jack Cohen, went out to the Boer war ; he had always been a most enthusiastic volunteer, and was I believe among the very first of the C.I.V.'s. My father was profoundly interested in the campaign, following the progress of it and studying the map with his usual thoroughness. The newspaper boys with their sensational cries, found him an easy prey. As soon as their raucous voices were heard, the study bell would be rung and the command given, 'Just get me an evening paper,' however recently he may have seen one.

Among his letters there is one in '97, which refers to the Raid, and the only other reference to the war is in a letter to my sister ; that reference and the remarks on the German Emperor are of especial interest at the present time.

1897.

Rigby's dinner was very pleasant. I sat next to Lady Romer, who is mostly agreeable and still very pretty. Leonard Courtney was there, who, though he cannot read at all, is full of vigour and courage: his wife's devotion to him is very touching.

NATHANIEL COHEN.

The brief in the South African case is coming in to-morrow with a heavy fee. I am afraid, however, that I shall have but little to do. . . . I hear that Rhodes is to be the first interviewed, that Harcourt is to undertake his examination. I think that the attack on the Chartered Company in England will fail, but the evidence against Rhodes is overwhelmingly strong to prove that he, when Prime Minister at the Cape, supplied the means for an insurrection in Johannesburg, and studiously concealed from his colleagues and from the Home Government all that he was doing. It will be very interesting to see what line he will take. Blake, who is one of the prominent members of the Committee, was saying to me yesterday, that Rhodes will have to take the line of Warren Hastings. and to assert that he thought it necessary to try and force the hand of the Government; he failed because Jameson was rash and impatient, and but for this would have succeeded. . . .

To M. C.

26 *Great Cumberland Place*,
1900.

We are very full here of the war—buying late editions with no fresh news. The situation is very critical, and I fear that we shall pull through only after very great sacrifices. And what distresses me is the prospect lying before us after the war is over. Look at the map, see the enormous territory, full of natives ten times more numerous than ourselves, and with discontented Boers and Dutchmen, and you will see that it will require the greatest statesmanship to govern that vast territory without a large standing army there. A great man with large and liberal ideas, supported by the people at large, might succeed. But where is such a man to be found, and will the people, when heavily taxed for the war, be ready to contentedly bear a burden, the necessity of which will not be apparent to the multitude? If we should meet with a serious reverse, the Governmeut will, I think, be swept away, for it is becoming obvious that the Government has been guilty of the greatest want of foresight and wisdom. . . .

Dorothea is very well and attractive, and this makes me think of India where the dreadful famine is raging. Really we live in most anxious and eventful times, when all our natural resources in men, courage, wisdom, and wealth will have to be exerted to the utmost. I still believe in the future of England, but think that our brain power requires strengthening. We

feed on second-rate literature and newspaper twaddle, and there is not a single man in whom the country places great confidence. Our aristocracy are fighting bravely, but I think the higher posts are given too much to Lords and to friends of the smart set and that our whole military system requires complete reformation. But I admit that at the present moment the Government must be heartily supported if we think that they are doing their best.

To-morrow I dine on Grand Day in Hall. Sir Evelyn Wood will be there, also James Bryce, who is, I hear, anxious about his reception on account of his writing rather favourably about the Boers.

West Cliff Hotel, Folkestone,
Oct. 1st, 1898.

My dear Lucy,

I have just received your letter. I am very much better, and like Folkestone. Work has been sent down to me, which I find myself able to despatch with ease. . . .

I hope you are enjoying Cromer. I think you must be. I am beginning to read seriously, not only the cases sent down to me, but also some very interesting articles on bimetallism, a subject I am at last beginning to understand. . . .

Did you read any of the addresses on the Church Congress? Some of them were very interesting, especially those of the Bishop of Manchester, and the Bishop of Calcutta and of the Bishop of Hereford.

I think the progress of science tends towards dematerialising matter. We no longer think of matter as something solid, packed together, but as a collection of attractive or repulsive forces arising from motion or manifest by motion; moreover, the evidence is growing stronger and stronger to prove that will can operate upon will without intermediate physical agency.

The Dreyfus affair is going on slowly; the only thing which is evident being that many men in high station and command in France have degraded themselves by the most dishonorable and base conduct.

I suppose the Emperor of Germany will make some surprising proclamation at Jerusalem. Surely he must try to rival the Emperor of Russia by startling the world. What a scoundrel (at least from an ordinary point of view) Bismarck appears to have been. He has none of the finer features of German character, but is more like an acute, bold, untrammelled

Italian Minister of olden times; the world would indeed be dreadful if nations were governed by such men, and I think now the Emperor was quite justified in dismissing him.

Later in the year, my father had to go to a nursing home for a slight operation. He was a highly sensitive, nervously organized man, and we were very anxious as to how he would bear the pain. My two brothers accompanied him to the home, and went again the next day before he was given the anæsthetic, to find him calmly reading mathematics. His first act on recovering from the chloroform was to test whether his head had been affected by it; and he was quite satisfied when he found no difficulty in solving the 47th proposition of Euclid and in reciting by heart the opening lines of Goethe's Faust. He proved an admirable patient, never complaining of the dull room in which he was placed, and liking both doctor and nurse.

In 1902 he was at King Edward's coronation; one of the most ancient customs pertaining to the coronation is the attendance of the Barons of the Cinque Ports in Westminster Abbey. My father was made a Baron as well as a Judge, and had to don magnificent robes. My youngest sister saw him in this court attire, and begged that he would exhibit himself to the servants, as he looked so remarkably handsome. 'Nonsense,' he answered, 'I will *not* be looked at in this flunkey's dress,' and he slipped out of the house unperceived. He was compelled to stand for hours in the Abbey, and perhaps this prevented him from being much impressed by the scene; at any rate he thought the exhibition of jewels and the old ladies in court dress both ugly and barbaric. We met him on his return, and found him looking really ill; he was laid up for some days, and then began his connection with Dr. Tanner, a country doctor of much character, who performed almost a miracle in making him abstain for six weeks from smoking. For the remaining years of

his life each summer spent in England was within Dr. Tanner's beat. The following letter may be of interest :

4 *Downing Street*,
Farnham, Surrey,
11/11/'14.

My dear Miss Cohen,

Many thanks for sending me the *Jewish Chronicle*. Few men can leave behind them such a record as your father. You know how fond I was of him, and I shall miss him greatly. Apart from his brilliant intellect, what always struck me most about him was the personification of a dignified, courteous English gentleman.

I was so glad when I saw his death in the paper. Old age when the brain begins to fail is 'not to be desired,' as a dear old man of ninety-six told me the other day.

It is a great heritage for his family to have had such a father. The man most like him in appearance and manners that I have known was the late Sir Henry Power, the oculist.

Yours very sincerely,
Charles S. Tanner.

In 1903 he was made President of the Bar Committee, and Lord Robson's letter bears on his position as an authority on legal etiquette :

From Lord Robson.

31*st January*, 1908.

My dear Cohen,

I am only what Peter de Packer would call the Titular head of the Bar. The true doyen of the English Bar is yourself, and long may you remain so. You have the consolation of knowing that yours is a position which no political changes can affect.

You were kind enough the other day to say that you would be glad to help me, and I am sure that I shall greatly value your advice in an important department of my work, and that is in the decision of questions of professional etiquette. As a rule, one gets little time for considering them, but when it is possible I would much like to consult you.

In April he was made a member of the British Academy to represent Jurisprudence ; and in May, he

was put on the Royal Commission to consider the amendment of the Trades Union Acts. As has been stated, he had been in the famous case of Allen v. Flood, which he had won in the House of Lords, and the subject had always been one of great interest to him. Lord Dunedin, the Chairman, told me that he worked harder than any of them and that his opinion carried great weight. On the issue of the commission's report Lord Haldane wrote as follows, but unfortunately owing to the weakness of Government, the conclusions arrived at were not adopted.

From Lord Haldane.

10 *Old Square*,
Lincoln's Inn, *W.C.*

My dear Cohen,

I devoted two hours last night to going carefully through your luminous memorandum.

It made me feel that the bedrock had been more nearly reached than it has been before. The mass of confused rubbish is immense.

I think it will probably turn out that you have rendered a great service by a piece of work for which your qualifications were almost unique.

Believe me,
Yours very truly,
R. Haldane.

Whether it is possible to *define* in this region I have always doubted, but if scientifically perfect definition be impossible, practical definition is highly expedient.

When the new Trade Disputes Bill came to be drafted, one of the Law Officers came to consult my father, who was in favour of Trades Unions being made financially responsible for their actions. The Government were not, however, sufficiently courageous to embody this doctrine in their Bill. It was afterwards found that had they done so, the results of the strikes might have been greatly modified. My father said that if in this instance the Lords had used their

prerogative of throwing out the Bill, they would have been within their rights, and done well by the country, whereas he disapproved of their action with regard to the Finance Bill in 1910. He always said that the question of Trades Unions, of which he was an advocate, was now rendered most complicated by the men not remaining loyal to their leaders.

He writes as follows :

Pine Ridge,
2nd August, 1903.

My dear Margaret,

I am spending three days here in this very beautiful country, about three miles from Farnham, and one and a half from Frensham, in a house which is surrounded by a beautiful pine wood, and which would be quite delightful but for its ugly furniture and villainous pictures.

I am moved to write to you, because I am so delighted to hear that Theodore has formed a resolution to come soon to England. I really think that the time will soon come when it will be your duty to be with Dorothea, for after all it is very rarely the case that anybody can so well as a mother influence her child, and Dorothea will soon want a guiding influence.

I suppose that you are having fine weather in India, and that Theodore is with you. Have you two been caught by the fiscal fever? I think Chamberlain came back with Imperialism on the brain, and his mind was fascinated by a scheme which seemed to him calculated to bind the Empire together; but it was not a scheme which he had *thought out* in all bearings. He is a great debater, a most energetic administrator, but he is not in my opinion a powerful thinker. Thus we have seen him propound schemes of a daring nature which he has quickly abandoned. Remember his three acres with a cow, his federal scheme for Ireland, his Old Age Pensions.

Now to propound far-reaching schemes of this nature without having properly thought them out in all their varied consequences is a fatal defect in a statesman. He had much better do nothing, like Lord Melbourne.

In the present case he is rousing exciting hopes, and expectations amongst our colonies, and thus doing a vast deal of mischief.

How is the University scheme getting on about which Theodore spoke to me?

A few months ago I was elected a member of the British Academy. Why on earth this is done I cannot imagine, as I have never written anything except one or two essays on mathematical subjects, and a few articles on legal questions.

Two months ago I got a letter from the Prime Minister asking me whether I would serve on a Royal Commission on Trade combinations and Trade disputes, and on the law applicable to them. It was considered to be a great honour to be selected as a lawyer to serve on the Commission. I assented. But these honours *come too late*. However, I shall devote my vacation to a study of the Trade Labour question, and shall prepare several memoranda on the subject.

Sackville Hotel,
5th Oct., 1905.

My dear Lucy,

My brother has given me your letter to read. I am glad you have got over the motor-journey of which you have given so vivid a description, and I have no doubt you are enjoying your stay at Aston Clinton. Lady de Rothschild is certainly a remarkable woman, so intellectual, active, bright and good, and with manners so completely perfect. I am glad Carlsbad has done Lord Battersea so much good. To me it always seemed a wonderfully effective Kur Ort, and a most attractive place.

I am altogether very well, and have been hard at work at Trades Unions. I am trying by many long letters to persuade the members of the Commission to come round to my views. Sir W. Lewis is a great employer of labour, and the agent of the Marquis of Bute; he is bigotedly attached to old-fashioned views. Our Chairman is very clever, and, although a Conservative, a great opportunist, and can, I think, be persuaded. Sydney Webb is also clever, but has had no legal training. Lushington is extremely fair, and has considerable ability, but is too conscientious to yield when he is not completely convinced. On the whole I am sanguine, and believe the working men will be astonished at the favourable nature of the report. But there is a great deal of work to be done both in the way of oral and written discussion. The subject is one of extreme interest both to the student of social science and the student of jurisprudence. I think it will probably detain me in London, where I go on Saturday afternoon.

Why have I not heard from Winnie? I am anxious to know how the officer's wife got on.

My brother is on the whole very well—but how he can stand the monotony of his present life I fail to understand.

When will this wretched Government go out? I think, notwithstanding all the papers write, that the treaty we have made with Japan is very vaguely and badly planned, and is not a wise treaty. It seems to me the production of a clever second-rate man. We ought now to do our best to come to terms with Russia, and I think the task by no means hopeless. But, after all, our first and foremost task is to take measures to raise the physical and moral character of the people. A nation's prosperity depends ultimately on the strength of the moral and physical fibre: this has been shown in so striking a manner by the history of Japan in the last thirty years. It presents a phenomenon that cannot be too carefully studied.

CHAPTER VIII.

In August, 1903, my father was asked to act as Counsel in the Venezuelan Arbitration at The Hague. A dissolution seemed imminent, in which case the Attorney-General, Lord Finlay, would have been unable to conduct the case, and my father would have then led instead of him. He was now seventy-four, and he hesitated to accept such responsible work and to go abroad again. His brother was most keen on his taking the work, and he finally settled to go and I accompanied him. The British party were all housed in sumptuous quarters at the Hôtel des Indes.

His knowledge of German was very useful in his consultations with the German representative ; and the American Counsel, Mr. McVeagh, was very friendly to him, his experience not only in the Alabama Arbitration, but in various shipping cases, having made his reputation as a lawyer nearly as great in America as in England. The British Minister, Sir Henry Howard, was a delightful man ; he and his wife were most kind and hospitable, entertaining us in their beautiful house, which had been an old palace belonging to the Jesuits.

My father got rather impatient at the many formalities connected with diplomacy ; he used to say that to obtain the sanction for the purchase of a J pen a despatch had to be written to Lord Lansdowne in cipher and lodged in the archives of the Foreign Office. All the ideas of precedence, and the punctiliousness of the British agent, and still more of his wife, ' passed him by as the idle wind which he regarded not.' He could

with difficulty be brought to pay the usual diplomatic visits. But, as usual, he plunged with ardour into the intricacies of the case, studying every available paper and going into every conceivable point with Sir Erle Richards, his junior Counsel. His health and age probably made him over-anxious, and even more deliberate than usual in coming to a conclusion.

He was interested in the expedition to Delft, and in seeing the statue of Grotius, the father of international law ; and in going to Haarlem and Leyden, and in visiting the famous picture gallery at The Hague. There were also tramway excursions and dinners at the seaside resort of Scheveningen, but his health prevented him from joining in many of these. However, the whole party grew rather weary at the end of the four or five weeks, for there were constant postponements, due to the non-arrival of one or other of the representatives and of the three arbitrators. The shops were ransacked for cigars strong enough to satisfy my father. He much appreciated the choice ones given to him by Sir Henry Howard ; and made friends with Mr. Bowen, his chief opponent, over a huge Havannah cigar with which he was presented. According to the doctor's advice, my object was to restrict his smoking, while Sir Erle Richards took an almost malicious pleasure in ministering to his love of it. He writes :

> The duty of a junior is to keep his leader in good temper rather than to second medical injunctions which may make for ultimate good health. Many secret expeditions we had to some special cigar shop, where cigars (kept damp by daily sprinkling) of an exceptionally powerful hue were to be obtained.

And again Sir Erle Richards writes :

> I first came to know A. C. in the summer of 1903. I was retained as Junior Counsel for Great Britain in the Venezuelan Arbitration. The present Lord Chancellor, then Sir R. Finlay, was to lead. But he could not be present at the preliminary stages, and there was a doubt whether he could attend at all

owing to political calls. So A. C. was retained as second leader. The choice was a good one, for A. C. was equipped with learning which is not always to be found in the armoury of an English K.C., he was a jurist in the best sense, and some of the questions to be argued demanded a wide knowledge of general juristic principles. The dispute arose out of the action of Great Britain, Germany and Italy in blockading Venezuela in order to enforce payment of claims due to their subjects. Venezuela declined to arbitrate and relied on a simple refusal. The blockade brought her to her senses and security was given for payment. As soon as this had been achieved, other Powers who had claims against Venezuela demanded a share in the security extorted by the blockade. The question referred to the Hague was whether the security ought to be appropriated in the first instance at any rate to the payment of the claims of the blockading Powers, or whether all Powers were to share equally. In the way many analogies from the law of salvage came up for discussion, and on these there was no higher authority living in the country than A. C.

I drafted the British case subject to his supervision and approval: and I have always thought that the line of argument adopted, and it proved successful, was due to his prescience. I recollect being struck from the outset with his exceptional clarity of thought and the lucidity with which he expressed it. Not at the moment. He took time. He slept on it. But the next day the argument was ready, logical and consequent. We went to the Hague together, and in all the preliminary fencing, and there was much of it, Cohen was my leader, and very admirably he did it. Courteous and dignified in manner and presence, he was a fit representative of our country. For some reason of diplomacy we were required to stay some weeks at the Hague, doing nothing, but showing ourselves on the spot ready; nay, we were instructed to appear as eager to proceed. And all that time I saw much of A. C., and no more delightful companion could one have. During these weeks I saved A. C.'s life repeatedly. It was his habit to ruminate on our legal difficulties as we walked in the streets of the Hague: and not once but often would he stop in the middle of a tram line unconscious of approaching danger, and beginning with a sententious 'yes,' proceed to debate on a statement of some point as evolved after a process of mental digestion which seemed to complete itself in the course of our perambulations. It was then my duty, and I zealously and constantly performed it, to seize him by the arm, drag him into

the space between the opposing tram lines where he could safely finish his chain of argument. Our powerful opponents were one Bowen, who had been the U.S. representative in Venezuela and had tried to give effect to the Monroe doctrine, by posing as arbitrator between the Powers by methods which were open to criticism ; Wayne McVeagh was to advocate the Venezuelan point of view, and Penfield, lately U.S. Ambassador in Austria ; and of these we saw a good deal.

In October and November we went back for the final argument, and then the Attorney-General, Sir R. Finlay, was with us. Sir R. Finlay opened our case, then followed A. C. in a speech full of learning, which carried much weight. Our allies were Bunz for Germany and Pieratoni for Italy.

The result of the Arbitration was a victory for Great Britain.

To this account I may add that, though my father only spoke for an hour, with characteristic generosity to his Junior, he asked Sir Robert to approve of his allowing Sir Erle himself to bring forward a very nice point discovered by him. I believe it was a habit of my father always to give his Juniors a chance of speaking. Lord Justice Bucknill told my brother he had never known a leader so generous in this respect. As regards his own speech, Sir Henry Howard told me it was much appreciated by the foreign audience, as his grand manner approached more nearly to their idea of eloquence than the balder mode of expression of his colleagues.

It was during this time that my father suggested to Sir Robert and Sir Erle that the latter was eminently fitted to become legal adviser to the Viceroy, a post about to become vacant. A bet of a box of the best Havannah cigars was wagered between Erle Richards and my father—and the result was eminently satisfactory to both.

At last in 1905 came a tardy recognition of my father's services—all the more gratifying as coming from the opposite party. Mr. Balfour wrote, offering a Privy Councillorship :

From the Rt. Hon. A. J. Balfour.

10, *Downing Street,*
Whitehall, S.W.

Private.]

My dear Sir,

It gives me much satisfaction to inform you that the King has been pleased to direct that you be sworn of the Privy Council on the occasion of his Majesty's Birthday.

As the interval between the receipt of this letter and the date on which the Honour List must be made public is short, I should be obliged if you could let me have a reply by letter or telegram so that I can be made acquainted with your wishes on Wednesday, at latest: and I would ask you to treat this communication as confidential until a public announcement is made.

Believe me,
Yours truly,
A. James Balfour.

Even thirteen years ago the distinction was much less lavishly bestowed than now, but coming merely as a mark of esteem and not as a recognition of party services, it was almost unique. The following letters show how the honour for him was welcomed by a variety of friends:

From Rt. Hon. H. H. Asquith.

1, *Paper Buildings,*
Temple, London, E.C.

My dear Cohen,

One line of very hearty congratulation. It is an honour too long deferred, but richly deserved, and if (as I hope) it means that you will soon take a seat on the Judicial Committee, it will lead to much-needed and most substantial strengthening of our Imperial Court of Appeal.

Yours very sincerely,
H. H. Asquith.

From Earl Rosebery.

38, *Berkeley Square, W.*
Dec. 1st, 1905.

My dear Cohen,

Lists of honours interest me but little, for they usually do not hit the right mark. But, in the last, there was one that

pierced the bull's eye, and that was your admission to the Privy Council. You know how I must have rejoiced over it, as a tardy recognition of what I have felt so long.

I cannot tell you what pleasure it has given me, for reasons which I think you know, and I hope that it has given some little satisfaction to yourself.

I should have written this three weeks ago, but one postpones all but the really necessary.

Yours sincerely,
A. R.

From Viscount Haldane.

Privy Council Office.

My dear Cohen,

I need hardly tell you what pleasure the announcement of to-day has given me. It means that we shall have combined on the Supreme Tribunal of the Empire the greatest living master of the Common Law of England and a jurist of the widest sympathies. I have of course known for some time that this was coming, and informed the Prime Minister fully of it on Sunday.

With warmest congratulations on this honour,
Yours very sincerely,
R. Haldane.

From the Rt. Hon. Sir Robert Finlay.

31, *Phillimore Gardens, W.*,
9th November, 1905.

My dear Cohen,

I am delighted at your well-deserved honour. It will have the unanimous and enthusiastic approval of the profession—and this I know you value as much as distinction, however great.

With heartiest congratulations and every good wish, I am
Yours always sincerely,
R. B. Finlay.

From Lord James of Hereford.

Breamore, Salisbury,
Nov. 9th, 1905.

My dear Cohen,

The work is only half done. During my visit in Scotland I knew that this step was safe.

But now for usefulness you must be hoisted into the Judicial Committee.

But there is a difficulty—only two persons can be appointed unless they have held certain high Judicial Offices.

Arthur Wilson and I hold those two places. But in some way or other—perhaps by a statutory increase of those two persons to four—you must give the Judicial Committee the benefit of your services.

Yours,
JAMES OF HEREFORD.

From Lord Alverstone.

Hornton Lodge, Kensington,
13th November, 1905.

MY DEAR COHEN,

Forgive the delay in my writing, occasioned solely by great pressure of work. Of all the honours recently conferred, none has been more worthily earned than that conferred on you. You are the doyen of the International Advocates, and have ever since I was called to the Bar been an example to your fellows. You ought now to be sitting in the seat of Judgment, but men do not always get their rights. That you will adorn the position of Privy Councillor as you have that of Junior and Leading Counsel, I have not a shadow of doubt. Long may you live to enjoy all the happiness which the universal esteem of your fellow barristers can bring you.

Always most truly yours,
ALVERSTONE.

From Lord Justice Mathew.

9th Nov., 1905.

MY DEAR COHEN,

My warm congratulations. The distinction is as it ought to be, unique.

It is right to say that Lord James of Hereford took part with much good-will in seconding the efforts of many friends to obtain a recognition of your long and most-distinguished career.

It was felt that nothing less than the Privy Council would be suitable.

With much regard,
Very sincerely yours,
J. C. MATHEW.

From Professor Dicey.

The Orchard, Oxford,
12th November, 1905.

My dear Cohen,

I must write you a line to tell you yourself, what I have already told your daughter, what intense pleasure your Privy Councillorship has given me. It is, I think, practically the highest honour—by which I mean the most usually connected with merit—which the Crown has to give, and I am sure there is no one who knows your career who does not feel that no lawyer has ever deserved it better. I have not heard any one speak of it except with satisfaction. It is also a great thing in this party-ridden country to receive such an honour independent of party connection. It gives me also hopes amounting to expectation that whichever party is in office you must at the first opportunity have a fixed judicial post on the P.C.

I really cannot tell you how much pleasure this honour has given me.

Yours most sincerely,
A. V. Dicey.

From Sir Edward Davidson (Legal Adviser to the Foreign Office).

Foreign Office,
November 9th, 1905.

My dear Cohen.

I really don't know whether the Privy Council, the Bar, or yourself are most to be congratulated on the announcement which appears in the morning's paper. It certainly redeems an otherwise commonplace and uninteresting Honours List from oblivion. This last addition to your titular distinctions will, I am quite certain, be received with a chorus of approval and delight by every one who has the privilege of your friendship, and by none more than your colleagues, the Masters of the Bench of the Inner Temple—*quorum pars minima sum.*

With heartiest congratulations and good wishes to you in your ' Right Honourable ' career,

Believe me,
Yours sincerely,
Edward Davidson.

From Mr. Godfrey Lushington.

Stokke, Great Bedwyn, Hungerford,
9th November, 1905.

DEAR COHEN,

Very glad to see the P.C. is a *fait accompli*. In these degenerate days it is one of the few titles that really command respect. May you long live to enjoy it, and to dispense just laws.

Very truly yours,
GODFREY LUSHINGTON.

Besides the above, we heard from the Master of the Rolls, Lord Cozens Hardy, Lord Reading, and Justices Charles, Day, Channell, Buckley, Wills, and Bucknill, Mr. Edmund Gosse, Sir Henry Howard, and many others.

He was much gratified, and amused us by going forthwith to Poole's and ordering not only the official dress, but the full Court one, though we well knew that he would always find an excuse for not wearing it!

The sons of Lord Macnaghten and Lord Justice Mathew organized a dinner at the Inner Temple in honour of the occasion. There were no reporters, but my brother writes :

Lord Loreburn, then Lord Chancellor, presided, and was supported by Lords Halsbury and James. The last named, who was a very old friend and opponent at the Bar, made an eloquent speech, and very happily described my father as 'a great lawyer and a great gentleman.' But I believe it was universally recognisable that my father's speech was on the occasion by far the most striking of those delivered. Though carefully prepared, it was spoken in very simple and touching language : he began by saying that he had a constitutional dislike to speaking about himself, but succeeded in giving the audience an excellent impression of some of his best characteristics without in fact speaking of any personal achievement. He dwelt upon the scientific attractions of the law, and described how he had always pursued his profession from love of it, and with complete indifference to its emoluments and prizes. I was reminded of a somewhat similar speech by the philosopher, R. L. Nettleship, which, though couched in equally

simple language, treated of his subject on an unusually high plane; and both speeches seemed to be immediately recognised as utterances of men of exceptionally lofty character, and arrested the attention of the audience in a quite different degree from the speeches of far more eloquent and possibly more distinguished orators.

My youngest sister, Winifred, who had gone out in 1905 to visit the Morisons in India, under the care of the Erle Richards, shortly afterwards became engaged to Bernard Butler, a young gunner, Lady Richards' brother, and a son of my father's Cambridge contemporary Spencer Butler. It was rather a blow to my father, as it meant that she would have to live in India as soon as Bernard Butler could get leave to return to England to marry her and to take her out. My father was, however, delightful to the young couple, and this sister said that his tolerance, and his never attempting to impose his own opinion upon other people, were perhaps the qualities that she most appreciated in him.

The marriage took place in our house, the Bishop of Hereford (then Canon Hensley Henson) most kindly consented to modify the Church of England service, so as not to offend Jewish susceptibilities, even inserting a specially beautiful sentence from the Jewish ritual to please us. The bridegroom's uncle, Dr. Montague Butler, proposed the toast of the day. It was, indeed, rather a curious coincidence that the two old College contemporaries should become connected after a lapse of over fifty years, during which they had hardly met.

The Morisons had just returned and settled in England, so that my father exchanged one daughter for another. It was always a great pleasure to him to have his daughters and their children to stay with us. His grandchildren were a source of much happiness to him; he liked to see them about the house or garden, to hear anecdotes of them from their parents, and to give them chocolates and tips. We were still a large family

party. My eldest brother used to spend the inside of the week with us, as his home was in the country; and as my youngest brother was a solicitor, there could be many legal discussions; while the opinions of the City could be learnt from my brother Willie, who was on the Stock Exchange. After any crisis my father's invariable greeting to him was: 'How are Consols?' In the evening they would play Patience with him, and he would become quite absorbed in the game, though he played very rapidly and with no discrimination. Willie, a clever card player, would call out in an agitated voice to the philosopher: 'Think, Father.' A few years before he had learnt a certain amount of Bridge, and would enjoy a rubber in the home circle. He would meditate for a long time before he played his cards, but his methods were quite erratic and unscientific. After his game, he would go downstairs and read for an hour or two before going to bed.

He still went down to the Temple regularly, but had very little work in Court. They told me he would sit smoking, and pondering over his old law books. He would often, on his way home, go to his favourite club, the Oxford and Cambridge, where he would get a strong cigar and again read. When he came home it was to another cigar, if he could get it, and a book. No account of him would be complete without indicating the constant ruses that he would employ to enable him to smoke more than the doctor or the family thought wise. In this one respect he was ingeniously artful and had an extraordinary way of finding out where any of his cigars had been hidden, or of obtaining an extra one unknown to those about him, and unacknowledged and even repudiated by himself!

I used to ask him if he did not find the days long, but he said: No, he was never bored. He seldom made any effort to see people outside his family, and although he enjoyed dining out when he was able, and

having friends to dinner, it irked him to have to mix for long with people, and he generally carried me off from a dinner before anybody else, with the excuse: 'Now I must go back to work.'

It was an undoubted fact about my father that the man himself seemed so much greater than his words, that in trying to quote them they lose their effect, and one wonders what made people listen to whatever he did say; and yet he always seemed a personage in whatever society he was in, and invariably anything acrimonious or small dwindled from before him as of no account. He himself felt a profound reverence for anything that was fine or noble. He quotes:

> What matters it how much a man knows or does, if he keep not a reverential look upwards? He is only the subtlest beast in the field.—*Tennyson.*

Besides inspiring an involuntary respect, there was a strange *vis inertiæ* about him, against which waves of passion, energy, annoyance, or admonition broke in vain. No one, however much agitated by his want of practicality or punctuality, would have dared to lose his temper with him, and I have seen the most violent people become calm on my father's entrance into a room. We never forgot how when he was walking over the moors in Wales a woman rushed out, abusing him volubly for trespassing. 'Ah, yus,' said my father with his grand air, and calmly pursued his way, leaving the woman reduced to silence. A certain woman, who had wrought great evil by her hypnotic power over a relation of ours, sought to carry off her guilt by voluble self-assurance. 'I merely looked at her and she was silenced,' said my father, and a witness of the incident corroborates this statement.

His cousin Lucy Cohen said she often tried to soothe her agitated nerves by remembering a little incident that happened at a performance of Cyrano

de Bergerac, to which she took us. On arriving at the theatre, she found, to her indignation and dismay, that the tickets for the first-rate seats that she had with difficulty procured were for the following night. She was fretting and fuming and remonstrating with the officials, and apologising to my father as they were being marshalled into some inferior back seats, and his only remark was : 'Keep calm, Lucy.'

Another friend told me that she kept his photograph by her sick bed in order to remind herself of one who invariably remained calm and courteous, even in illness, to his doctors and nurses.

I never saw him hurry himself. When he grew old and rather deaf, he would still cross the road in the same leisurely way as if motors were not in existence, saying, 'They dare not run over you.' I was glad to get him away from Paris, as he would, when almost infirm, go out to the Café de la Paix to his breakfast, unaccompanied and treating the traffic of the streets with the utmost indifference.

Now that he had more leisure, he kept on his writing-table a book in which he wrote extracts from any author who greatly impressed him ; I think that a list of these which date from about 1907 may be of interest as showing on what subjects his mind was working : Milton, Marcus Aurelius, Epictetus, Bacon's Essays, various books of the period of George III. and onwards, such as Greville's Memoirs, Dr. Johnson, Burke, Mackintosh, Macaulay, Carlyle, and Lecky, of whom he writes :

> Lecky has a remarkable power of analysing and describing intellectual and moral character, and is very fair and impartial. See, *e.g.*, his description of Voltaire. He seems to me, however, to lack perspective, he is *too even*, and therefore very difficult to remember. He is also, I think, too diffuse. Still his history is most instructive. His descriptions of Burke, Chatham, and Pitt, are admirable. His political principles are almost entirely taken from Burke; they contain wise and prudent warnings, but lack breadth.

Then there are quotations from Mrs. Bosanquet (The Strength of the People), and Leroy Beaulieu (these bore on the question of Trade Unions, which he was then studying); a great many quotations from Morley's Lives of Cobden and of Gladstone; Bryce's American Constitution, Disraeli, and one or two quotations from Locke, Spinoza, Kant, Goethe, Schiller, and Claude Montefiore's Bible, and from a few great lawyers.

Besides this book of extracts, he wrote others with elaborate analyses of books on law and politics. His knowledge and memory of the history of the eighteenth and nineteenth centuries were great. He would often quote from the speeches of the men of that period; Chatham, he once said, was the statesman he would most like to have been:

'What an extraordinary man Pitt is,' said Adam Smith, 'he understands my ideas better than I understand them.'

Dr. Franklin said of Chatham: 'I have met with eloquence without wisdom, and often with wisdom without eloquence, but in Mr. Pitt they were both united, and both he thought in the highest degree.'

Burke was the speaker from whom he most quoted. He writes:

See his splendid descriptions of Lord Chatham and C. Townshend. Also his statement of the superintending power of the Imperial Parliament over all other legislatures in the Empire. Observe the method and arrangement of his speech; its orderly scheme notwithstanding all the outbursts of eloquence, and numerous digressions.

From the great speech on Conciliation with the Colonies, he quotes:

In their political arrangements men have no right to put the well-being of the present generation wholly out of the question. Perhaps the only moral trust with any certainty in our hands is the care of our own time. With regard to futurity, we are to treat it like a ward. We are not so to attempt an improvement of his fortune as to put the capital of his estate to any hazard.

If you have not a party among two millions of people, you

must either change your plan of government, or renounce your colonies for ever.

Burke is the only man whose common conversation corresponds with the general frame which he had in the world. Take up any topic you please, he is ready to meet you.—*Johnson.*

Burke's talk is the ebullition of his mind. He does not talk from a desire for distinction, but because his mind is full.—*Ibid.*

Johnson was the man whose conversation he would most have relished. He liked its directness and force and humour. For instance, I find the following quotations:

Some things are made darker by definition. I know a cow when I see one. I define her as a ruminating animal with horns.

(But strict definitions are necessary in purely deductive sciences.—*A. C.*).

Johnson used to say a man is a scoundrel who is afraid of anything. (It would be more correct to say, runs the risk of being a scoundrel.).—*A. C.*

As to Lord ——'s opinion that war is a good thing, as so much valour and virtue were exhibited in it, Johnson said, 'You might say the same of a fire.'

The morality of an action depends on the motive from which we act. If I flung half-a-crown to a beggar to break his head, and he picked it up and buys victuals with it, the physical effort is good, but with respect to me the action is very wrong.

(This strikingly illustrates many fallacies to be found in the Gorgias of Plato. It shews that the morality of an action does not depend upon its utility, or the advantage or benefit it may occasion.—*A. C.*)

I am surprised that there are no quotations from the Duke of Wellington's Despatches, which he greatly admired; the only remark about him is in the margin of Morley's Life of Gladstone, opposite the following passage:

The Duke of Wellington appears to speak very little, and never for speaking's sake, but only to convey an idea, commonly worth conveying. He receives remarks made to him very frequently with no more than a 'Ha,' a very convenient suspensive

expression, which acknowledges the arrival of the observation, and no more.

Against this my father has written, 'So do I.'

Professor Dicey writes:

Your father was occupied in real thought about law, and I suspect about mathematics, so that he probably read less of current literature than did most men of at all equal ability to his own. One good effect of this was that you sometimes got his first impression of celebrated writers of whom we have all talked and heard much without really studying their works. Hence one sometimes got from him the unbiassed judgment of a powerful thinker. I think I never knew a man more free from second-hand thought about anything which really interested him. And I am quite certain, whether I look within or without, that one of the calamities of the day is that we live on second-hand thinking. It is not the same thing as cant, but comes near it.'

Apropos of this, my father always demurred if he saw us reading criticisms, and essays on writers, and advised us instead to study the originals. He himself quotes from Burke:

Reading and much reading is good. But the power of diversifying the matter infinitely in your own mind and of applying it on every occasion that arises is far better.'

He also writes to one of us:

A rainy day, so after a morning stroll I have come back to read and write. I have just skimmed an exciting novel by Besant, called Faith and Freedom. I shall afterwards read Cicero de Finibus, in which he in splendid language expounds the views of Epicurus, and I find, much to my astonishment, the doctrines of utilitarianism set forth as plainly as by Mill and much more brilliantly. The fact is metaphysics have not much advanced, and what is still more strange the Greek guesses about atoms are marvellously like the modern theories of the collision of infinitely small molecules. I get more and more convinced that we do not read carefully and thoroughly enough *the great* works, and content ourselves too much with perusing without much thought the numerous popular books and essays written in a hurry in this busy age of ours. We ought to *nourish* ourselves on great works, and treat ephemeral works as luxurious excitements; by doing the reverse we weaken our intellectual digestion, and harm our mental condition.

I hope to get a good long letter from you, and should like to have a vivid description of Mrs. Raleigh and Mrs. Moss, such as G. Eliot would give, also a true account of all at Cromer.

In trying thus to describe some of my father's qualities, I am confronted with the difficulty of conveying the right idea of the mixture of simplicity and magnificence about him. He liked large, finely proportioned rooms and houses, but disliked anything pretentious. In the same way he always got his clothes from the best tailors, and even enjoyed ordering them, but they were of the most unostentatious description, except that, like Ruskin, he favoured a tie of a good blue or crimson. Though he liked a good dinner and the best of wines, he would have enjoyed them quite as well served in a homely inn rather than in a magnificent hotel. Perhaps this quality might be explained by his appreciation of what was best in people or things as apart from the trappings and appurtenances of splendour.

One of his great doctrines was, that there should not be one set of manners for the home and one for society. He was exactly the same in courtesy to high and low. He would be very interested in talking to fishermen or gardeners, and his barber furnished him with much information. It is even told that when as an old man he met a prize-fighter in the smoking-room of his hotel at Bruges, he was much interested in listening and talking to him. I should think no man could have been less of a snob; his instinct was to avoid those in high places, though no man was more willing to show respect to real greatness of character or intellect. He was rather amusing over the aristocracy, and would say that they were only relieved from degeneracy by having from time to time renewed the strain by marrying beautiful women from another class, and talented actresses. He had no belief in an hereditary, though always in favour of a reformed Second Chamber. He quotes from Disraeli :

Brains every day become more precious than blood. Greatness no longer depends upon rentals, the world is too rich ; nor on pedigree, the world is too knowing.

The saying that no man is a hero to his 'valet de chambre' could not be applied to him. His clerks and his servants were devoted to him, and nothing that he asked them to do was a trouble. But then it was not much that he did ask! The old butler was with us for thirty years, and any fault-finding devolved on me. If we were disposed to criticise the servants, my father would ask, why they, more than ourselves, should be expected to be faultless? The somewhat cynical and very intelligent attendant of the last years of his life, when asked if he were fond of him, said : 'I should think so. I learnt more from him in the five years I was with him than in all the rest of my life.' He would dash down to bring him the evening paper from the country station, and being a bit of a Socialist as well as a Home Ruler, would regale my father with news from his Working Men's Club, to which he would listen with much interest. Some of his statements were very wild ; characteristically, my father did not try, or very seldom, to convince him of the fallacy of his arguments, but would mildly remark, 'For so intelligent a man, it is wonderful how ignorant George is.'

My eldest brother says :

I doubt whether my father was in practice as appreciative of the simple life as he was in theory. On the other hand, his character was in many respects of remarkable simplicity, as often is the case with great men. Although he liked all the good things of this world, and disliked all that was sordid or ugly, he had a rare absence of all that was snobbish in his disposition; and was repelled by nothing so much as any affectation. The picture drawn by Aristotle of 'the magnificent man' would have fitted his character admirably. He seemed to need space both in his thoughts and in his surroundings, not from any love of grandeur, but because he was cast in a bigger mould than the ordinary man.

CHAPTER IX.

In the vacations of 1906 and 1907 we went abroad, in order that my father should take the waters at Homburg, and from there we went on to Switzerland and the Black Forest. He was enchanted to find himself on the Continent again, and pitied every one left behind in England. My Uncle Nat's only son, Philip, a great favourite of his, accompanied us. At Homburg he of course met many acquaintances—Sir John Hollams, an habitué of the place for forty years, the Finlays, Lord Halsbury, &c. But the only people who really routed him out of his shell were some friends of the Morisons, Sir Edward and Lady Law. Lady Law was a most beautiful and talented Greek of great charm. Her husband, who had been Financial Member of the Viceroy's Council, was a most amusing Irishman of many adventures, full of ideas and schemes, and a strong Unionist. But, with the attraction of opposites, he attached himself greatly to my father, inducing him to go expeditions into the Harzgebirge, recommending him what wines to drink with all the experience of the travelled diplomat, and amusing him with his stories. In spite of their different outlook on politics, Sir Edward would listen to my father with great deference, and even submitted a paper he was writing on bi-metallism to him for criticism. I can see Lady Law now, moving down the green alleys with her floating veil, her pliant yet erect figure, her regular Greek features (the Empress Frederick had a medallion made of her as a Greek cameo), her wonderful dark eyes, and can hear her

husband making broad jokes and exciting mirth wherever he went. With them we visited the 'Schloss' and saw Kaiser Wilhelm's study where he was wont to write or read, seated on a saddle fitted on to a stand. We also made the acquaintance of the antiquarian whom he employed, for Lady Law was a great student of Greek art. He met us at the Saalburg, but I fear none of us were impressed by this grandiose and very modern resurrection of the old Roman camp, guarded by figures in armour. We were told how the young princess was encouraged to interest herself in the excavations, her zeal being stimulated by her being allowed from time to time to discover a coin or sandal, which had previously been put in readiness for the spade of the workmen.

Sir Edward was no friend of the Germans; I always remember him saying as we passed a group of them, 'ungainly race.' He had also a profound distrust of the Russians, among whom he had passed five years of his life.

The two following letters deal with this period:

26 *Great Cumberland Place.*

I left my brother much better—both in body and spirits.

My brother after much difficulty persuaded me some days ago to telegraph to Lord Curzon my congratulations on the improvement in Lady Curzon's health. He seems to have been much pleased, for he sent me back a telegram thanking me very sincerely for my charming message, though I am at a loss to know why it is charming. I went to the Memorial Service at St. Margaret's. I always liked Sir V. Harcourt, and thought him a fine old Liberal of the Whig School, a man also of great power and culture. All parties were willing to do honour to his memory, and the church was full of distinguished people belonging to all parties and classes.

To-night I dine with Mr. and Mrs. Cohen to meet Sir G. and Lady White. I am very full of work; the case of the Knight Commander is one of great difficulty, for the ship was carrying contraband, and the master, and I believe the owner, did not act with that honesty which our somewhat

strange rules of International Law require. I shall see the Attorney-General about the case when he comes back.

Please give my kindest regards to your host and hostess. Many Liberals think Lord Rosebery ought to have been at St. Margaret's and seem to have little *confidence* in him ; although they admire his cleverness and smartness.

It is very cold here and winter seems to have set in.

I have just been dipping into the life of Lord Sherbrooke (R. Lowe). He was a wonderfully able man ; Jowett's notice of him is most interesting.

(Staying with his brother:)

Sackville Hotel, Bexhill,
29th Dec., 1908.

I have heard of some briefs coming in next term which will keep me busy. I am reading nothing but old books, amongst them Queen Victoria's Letters. It seems to me that she and Prince Albert gave her Ministers a good deal of trouble and vexation ; but she was a good and capable woman, with great courage and a strong determination to do what seemed to her and 'her angel' (I dislike the expression) right.

I may perhaps send a short note to the *Times* on F. Harrison's letter about Trades Unions.

In 1906 the Government turned again to my father for public work, which he was only too delighted to perform.

From Mr. Lloyd George.

30th October, 1906.

Dear Sir,

The Government are about to appoint a Royal Commission to inquire into the operation of Shipping Rings or 'Conferences' generally, and more especially into the system of deferred rebates, and to report whether such operations have caused, or are likely to cause, injury to British or Colonial trade, and, if so, what remedial action, if any, should be taken by legislation or otherwise.

The Commission was decided upon as the result of representations received both from Chambers of Commerce from this country and from certain Colonial Governments, especially those of the South African Colonies, where there is a very strong feeling against the Rebate system as practised by the

Shipping Companies in the South African trade. The question at issue therefore is one of great Imperial importance, and I have given much careful consideration to the selection of a suitable Chairman. It seems to me essential, in view of the conflicting interests which will be represented on the Commission, that the Chairman should have legal experience and should be accustomed to handle cases of the kind where the interests at issue are in strong opposition, and I am to say that the Government are greatly impressed with your qualifications for the post.

I have accordingly to express the strong hope that you will permit me to submit your name to the King as Chairman of the Commission.

Yours sincerely,
D. Lloyd George.

Mr. Webster, who was Secretary to the Commission, writes :

On the Commission with him were the Hon. Charles Laurence, Sir H. Birchenough, Lord Inverclyde, Sir Owen Phillips, Sir John Macdonnell, Sir Alfred Bateman, and Prof. Gonner.

Combinations of shipowners, commonly called ' rings,' existed in practically every trade route where services were given by regular steamships, but though the complaints of merchants were general and directed against the system everywhere, the grievance was specially felt and voiced in South Africa, where the high cost of living was by many attributed to the monopoly obtained by the regular lines. The demand of the traders for the discontinuance of the system was reinforced by the owners of tramp ships who also found their activities circumscribed by a system under which the regular lines were able to compel traders to send all their goods by their boats.

The question therefore to be decided was whether the monopolies which the ' line ' steamers had been able to set up were compensated for by the regular sailings of ships specially suited to the various trades which could only be given if the shipowners had some guarantee of the merchant's custom.

The question was one calling for decision by a judicial and impartial mind. Moreover, it was one in which it was of importance that a patient hearing should be given to all of the multitudinous conflicting interests concerned. In the opinion of all his fellow Commissioners, even those who were unable

to agree with him, Mr. Cohen showed a very happy combination of all the qualities which the Chairman of a Commission on so controversial a subject required. But though, as the report showed, differences of opinion as to the desirability of the deferred rebate system still remained and though no legislative action followed the recommendation of the Commission, there can be little doubt that the patient hearing given to all who wished to appear before the Commission, the bringing out of all the difficulties affecting merchants on the one hand and shipowners on the other, and the judicial and impartial statement of the *pros* and *cons* of each side provided in themselves the needed remedy of the grievance. Little has been heard of the controversy since.

My father was much interested in meeting the owners of the great shipping lines. He examined Sir Donald Currie of the Union Castle Line, Lord Inchcape of the British India, and Sir Joseph Maclay, representing the tramp steamers. As usual, he took enormous pains over the report, which was revised and rewritten many times before it appeared in its final form.

The following extract from a speech which my father made in 1908 is rather typical of his manner of expressing himself in public. (The Maccabeans is a Jewish Society which occasionally gives dinners to distinguished men of that faith, and the extract is taken from the *Jewish Chronicle* of December 4th, 1908.)

On Sunday, at the Hotel Great Central, the Maccabeans gave a dinner to Mr. Selig Brodetsky, in honour of his Senior Wranglership.

The Chairman, in proposing the health of Mr. Brodetsky, said that he would commence by telling a little story. In 1892 a Russian subject of the Jewish faith, no longer able to bear the galling restrictions imposed upon him and his co-religionists, and the cruel persecutions with which they were oppressed, resolved to leave his own country and to emigrate to England. He was a man possessed of no means whatever, and if the Aliens Act had been then in force, he would undoubtedly have been sent back to his own country. But, fortunately, that Act had not been passed, and, to use the words of a brilliant writer, 'The latch of England's door might be lifted by the poorest child of Adam's kin.' And

thus this Russian immigrant was able to remain in England, where within a year, by extraordinary diligence, ability, and perseverance he had earned enough to send for his wife and children. Amongst these was a little boy of the name of Selig, who had indeed proved himself to be '*selig*.' He was then five years old. That little boy, who, when he came here could scarcely lisp an English syllable, in fifteen years *mirabile dictu* went out in the Cambridge Mathematical Tripos and was bracketed Senior Wrangler. That young man was Mr. Selig Brodetsky. (Cheers.) If he were to attempt to recite and explain all the various honours and prizes and scholarships which he had gained during those fifteen years, he would be very much like the distressed schoolboy who, when examined in history, exclaimed that it was very hard Napoleon had gained so many victories, because it was impossible to remember them all. (Laughter.) Suffice it to say that this little boy of five years old entered the famous Jews' Free School. Assisted—he was sure Mr. Brodetsky would not forget—with the aid of his father, a man of remarkable character and ability, and to whom he was sure he would always, as they would, be deeply indebted, this young boy soon showed great ability, passing easily through all the standards, and then, in 1900, he gained the scholarship which entitled him to be admitted to the Central Foundation School. In 1903 he was placed first in all London in the Cambridge Local Examination, and during the next three or four years his successes were too many to enumerate. In 1906 he entered Trinity College, Cambridge, and in 1907 he gained a valuable scholarship, and then he acquired a reputation of being the most distinguished mathematician amongst the students of his day, a reputation he so signally confirmed by the brilliant degree he took in 1908. Such was the brief outline of the history of him they would allow him to call his friend. What could he say of that remarkable career? It showed that there was nothing that could stand in the way of ability and indefatigable industry, but that lesson they might have learnt from the lives of Benjamin Franklin, Moses Mendelssohn, and many other eminent persons. But it proved something more. It proved that which Lord Beaconsfield said to his (the Chairman's) friend: 'Sir, you and I belong to a race that may be oppressed, but cannot be suppressed.' (Cheers.) It showed something which, if the Rulers of Russia were capable of being taught, would be a valuable lesson, namely, how much they lost and would continue to lose by

those barbarous and cruel laws which were mainly the outcome of jealousy, stupidity, and bigotry. (Cheers.) It was very easy to appreciate the main features of the success which had been achieved, but the Maccabeans could do much more. They were able to perceive that the success could only have been achieved by high aspirations, great ability, and indefatigable diligence, and the Maccabeans, as their name imported, admired heroic struggles and indomitable perseverance, and therefore they had the greatest pleasure in receiving Mr. Brodetsky among them. They would all like to know what was going to be the future career of their friend. Did he mean to devote himself to the study of abstract mathematics to follow Cayley and Silvester ; as a judge of great learning, but not versed in the higher mathematics, expressed it : to follow the wily X throughout its meanderings and wanderings ? Or was he going to advance the science of astronomy, to follow in the footsteps of and rival their distinguished guest, Sir Robert Ball ? Or did he propose to enter that most crowded profession, the Bar ? He hoped not. Or did he propose to enter the public Civil Service, so much distinguished by its ability and spotless integrity ? He ventured to say that Mr. Brodetsky knew no more of his future than they did, but whatever might be his subsequent career, they hoped and believed he would not forsake his youthful ideals, and would keep his ambition pure and lofty ; and all of them were sure he would cling to the simple and sublime faith of his forefathers, and that it would be his pride and pleasure and duty to render every service he could to the British Jewish community, who, delighting as they did in the successes he had achieved, looked forward to his future career with sanguine expectations and unwavering confidence. (Loud cheers.)

At Easter, he and I went to stay with Mr. and Mrs. Charles Butler at their home at Hatfield, one of the few houses at which he would stay. Mr. Butler did not allow any smoking in the house, his guests must content themselves with smoking out of doors or in the kitchen : but as usual these objections were waived for my father. The old schoolroom, a room rather apart and lined with books, was given him for smoking and reading. Wonderful wines were brought out for his delectation, and each day the table was

adorned by a fresh set of old plate, some of it dating as far back as the Tudors. Every room in this house was crowded with old pictures. Folio editions of Shakespeare and many rare volumes thronged even the bedrooms. Mr. Butler would not have either gas or electric light in his country house. One evening we heard a fall, and on going upstairs found that my father had slipped in the darkness down one or two stairs in the passage. He would hardly acknowledge that he was hurt that evening, although he had sprained his ankle most severely. After a day or two he was motored up to town, where he was seen by Mr. Clayton Green, who took a serious view of the case, and he was laid up with a very severe attack of gout for two months.

He bore his illness in his usual uncomplaining way. It was a principle with him never to grumble about his health, and to talk of it as little as possible, though he would become very depressed and silent. If his brain felt alert he would have ignored his body, but naturally the one depended on the other. However, his nurse complained that she could not get him to bed before midnight, as he was so engrossed in study. In July he installed Lord Brassey as Lord Warden of the Cinque Ports. He was still somewhat lame and required a nurse, but he was begged not to depute his speech to any one else. My cousin Philip and I accompanied him to Dover. He was very nervous, but he rose to the occasion and made a good speech.

He was sent to Kissingen this year and revived in an extraordinary manner, though to my sister and myself the place was most depressing. Here he met one of his clients, Sir Lionel Phillips, who was staying at the establishment of the fashionable Dr. Dapper; here too were Gen. Botha and Dr. Page Roberts, the witty Dean of Salisbury. My father was put under the care of a Dr. Unger, a regular German martinet, who succeeded in reducing the cigars for the time to two a

THE RIGHT HON. ARTHUR COHEN, K.C.
In his Coronation Robes as Judge of the Cinque Ports.

day which 'George' was to dole out to him; and though probably he obtained a few extra ones from the hotel, the action of his heart greatly improved, and to his delight he was able to walk up the hills before breakfast, disdaining any assistance. He also enjoyed the excellent concerts. On his return to England he worked at his Commission, and also had a certain amount of law work.

He repeated the visit again next year, 1909.

This year he was made a member of the Senate of London University, and was quite interested in attending some of their meetings.

On May 6th, 1910, King Edward VII. died; and on coming home that afternoon, we found that my father had actually donned his Privy Councillor's dress and attended the Council at which the new King took his oath of office. He thought that the King spoke well and seemed very much in earnest over the dignity of his inheritance. Later in the year my father was one of a Jewish deputation to him.

In the same year my father was asked to read a paper on the 'Declaration of London' at the London University. In the light of the experiences of the War his belief in the power of International Law was rather pathetic. A large number of books were taken down to the country, and the paper was written with infinite care. Some of us ventured to suggest that when it came to real war the restrictions would be brushed aside; but he clung to the belief that they would at least help to form public and international opinion. He was confident that the portion of the Declaration relating to blockade was a sound piece of work to which the Government could safely agree; but he was in doubt about the provisions relating to the doctrine of 'continuous voyage,' and as regards the whole Declaration was strongly of opinion that it should only be adopted subject to the reservation that it was to be interpreted in the light of M. Renault's Commentary. No doubt

the views which he expressed in this paper, as also those which he expressed in the lecture which he delivered in 1909 to the Eighty Club on 'The Immunity of Enemy's Property from Capture at Sea', would have been changed by the unprecedented conditions of the War—the innovation of submarine and aerial warfare, the number of the belligerents, the huge area of hostilities, and the necessity for reprisals. On the other hand, there is equally little doubt that he would not have lost faith in the progressive evolution of international law as a positive force in human relations. He was far from well, and we were rather anxious whether he could bear the strain of reading his paper aloud. But he determined to do so, and, with Lord Reay in the chair, it was read before an audience of students and lawyers. It was published in book form, and as the proposal for ratification was just about to be introduced in the House of Commons, it attracted a good deal of notice; and after the debate in the House Lord Reading (then Attorney-General) wrote as follows:

July 11th, 1910.

My dear Cohen,

Let me thank you for your book on the Declaration of London—but even more warmly permit me to express to you my deep sense for all the most valuable assistance I derived from a copy of your writings on this subject.

It would have pleased you to have observed how the reference to yourself was received by all parties in the House of Commons.

You will, I am sure, not think me impertinent for making these revelations—they are intended to be taken from a diffident student to an acknowledged master.

Yours very sincerely,
Rufus Isaacs.

This year, too, he wrote the article on insurance in Lord Halsbury's Digest of English Law, consulting endless books. My brother Harry writes:

The greater part of the article deals with his favourite

subject—Marine Insurance. In 1905 he had already written a long article in the *Law Quarterly Review* on the Marine Insurance Bill which was passed in the following year. As an upholder of Common Law, for which he desired a natural growth and evolution, he was in general opposed to codification. But the increasing internationalisation of commerce, the growth of our colonial trade, and the tendency of the Colonies to adopt the legislation of the mother country, were factors which outweighed any disadvantage of codification. As has been shrewdly observed, in commercial matters the certainty of the rule is often of more importance than the rule itself.

On the other hand, he was strongly in favour of the simplification of the law; and in particular he looked forward to a time when a Lord Chancellor of the calibre of Lord Cairns, with equal courage, skill and imagination, would undertake the reform of the law of real property.

In January, 1911, my father was chairman at a dinner given by the Maccabeans to Lord Reading on his appointment as Attorney-General. Lord Alverstone took the opportunity of paying the following tribute to my father, which was all the more gratifying for being quite unexpected:

From the Speech of Chief Justice Alverstone.

The Attorney-General made a very charming reference to the position of Mr. Arthur Cohen in our profession. And I am sure he said what was strictly true, viz., that when he first came to the Bar—particularly remembering the nation to which he belongs—he made, and rightly made, Arthur Cohen his model. I was called to the Bar in 1868, and even at that time Mr. Cohen was one of the most distinguished juniors, not only at our circuit, but at the Bar practising in England, with an established reputation as a commercial lawyer, but with much more—an established reputation for honourable conduct and upright dealing in connection with his cases. It is no small privilege to be allowed to say what one cannot help feeling about a man who has been before the Profession and the public for no less than fifty-three years, and still enjoys the respect and affection of every one who knew him as a member of our great profession. Mr. Arthur Cohen wears no ribbons, he has no stars, he has but one addition to his name which, I am proud to think, was given him by the Conservative Party to which he did not belong. He is one of the few rare instances of men who,

though occupying no official position, by reason of their outstanding merit, are selected for the honour of being one of His Majesty's Privy Council, and the only public recognition of his great career is that he is known as the Right Hon. Arthur Cohen. But many of you young men here little know—and I speak without a shade of flattery—you little know what has been the magnitude of the work and the opinion of the judgment of Mr. Cohen as a leader and a great lawyer. Many of us who are now administering indifferent justice would have been only too glad to have welcomed him as a predecessor and a colleague. In his wisdom he has withheld from us the privilege of his assistance, but, after all, how many of you in the room know that Mr. Arthur Cohen is one of the oldest judges in England. (Referring to the Cinque Ports.) Counsel for the Geneva Arbitration. . . . Mr. Cohen had only been called twelve years. He was chosen on his merits. He had already acquired a high reputation for knowledge of international law, which was not in those days as much studied as at present. Many of you will remember the excitement in this country at the time. . . . I have often talked to those engaged in that arbitration, men connected with the Foreign Office, and I can assure you that it would not be possible to over-rate the services rendered to the country by Mr. Arthur Cohen in that great arbitration.

In this January my father wrote a letter to the *Times* which excited much notice. It was on the Parliament Bill. He had been indoors for some days, studying the Bill, but talking very little about it, and George was quietly sent off with the following letter :

THE PARLIAMENT BILL, 1919.

To the Editor of the *Times*.

SIR,

Preambles to Acts of Parliament have almost entirely gone out of fashion. In fact, almost all preambles to our Statutes have been swept away by the Statute Law Revision. It is therefore a remarkable fact that the Parliament Bill, 1910, contains a somewhat lengthy preamble. In my opinion public attention has not been sufficiently directed to this preamble It is as follows :—

> Whereas it is expedient that provision should be made for regulating the relations between the two Houses of Parliament :

> And whereas it is intended to substitute for the House of Lords as it at present exists a Second Chamber constituted on a popular instead of hereditary basis, but such substitution cannot be immediately brought into operation:
>
> And whereas provision will require hereafter to be made by Parliament in a measure effecting such substitution for limiting and defining the powers of the new Second Chamber, but it is expedient to make such provision as in this Act appears for restricting the existing powers of the House of Lords.

This preamble, which, for the reason already stated, is a striking feature of the Bill, must be assumed to have a serious meaning. It evidently implies that the Parliament Bill may only apply or be brought into operation as long as the House of Lords remains in its unreformed condition, and that if a Second Chamber be reconstituted on a satisfactory basis the provisions of the Bill or some of them may have to be repealed or modified.

Now, these provisions (other than those relating to Money Bills) cannot be effectively applied to any measure until after the lapse of more than two years. If, then, before this period has elapsed, a Second Chamber shall have been duly reconstituted, the question, which is evidently reserved by the preamble, will arise, whether and to what extent the provisions of the Parliament Bill ought to be repealed or modified. It is evident that this question was not and could not possibly have been put before the country at the last election, and cannot therefore be considered to have been solved or determined by the result of that election.

Do not these facts naturally and almost irresistibly lead to the two following conclusions? First, that the House of Lords should pass the Parliament Bill with a reservation that if, say, within two years a measure shall have been passed for the reform of the House of Lords or the reconstitution of a Second Chamber, it shall then be determined whether the Parliament Bill shall or shall not come into force in its present or some modified form. Secondly, that the question of the constitution of the Second Chamber should be at once taken in hand, either by a conference between certain leading members of both parties or by a joint committee of both Houses of Parliament or in some other manner.

ARTHUR COHEN.

Temple, Jan. 2nd.

Next day the first leader of the *Times* began: 'We publish to-day a remarkable letter from Mr. Arthur Cohen, which will doubtless attract a great deal of attention, alike on account of the novelty of the suggestions it contains and of the high authority of its author;' and the Preamble then became the source of infinite discussion. After this Bill was introduced, when my father was asked if he had not given up his allegiance to the Liberal Party, he would only say that he did not approve of their Parliament Bill; he never, however, advocated a Referendum, thinking it alien to the Constitution, but was strongly in favour of Proportional Representation.

I find the following passages in his note-book:

Sir J. Graham: 'I am a party man because I conceive that by party we are able to do more than a man can do singly, and because by it we are better qualified to concentrate and strengthen public opinion. It is perhaps the infirmity of human nature that we should be required to act thus, but it is necessary.'

This is certainly true of political *collective* action, but now this collective action takes the present form of party government.—*A. C.*, 1907.

A disposition to preserve, and an ability to improve, taken together would be my standard of a statesman.—*Burke.*

Greville observes that it is an established fact in politics that the Tories only can carry Liberal measures. The Whigs work, prepare, but do not accomplish them; the Tories directly or indirectly thwart, discourage, and oppose them till public opinion compels them to submit, and then they are obliged to take them up, and to do that which they can do, but the Whigs cannot do.

This fact justifies the effort made by the Liberal Party to reform the House of Lords.

However much my father might disapprove of some of the measures of the Liberal Party, and of some of the men, and however ungrateful to him they might have been, he invariably replied to our criticisms: 'I am a Liberal and I shall not desert my party.'

Considering what a calm and philosophical tem-

perament he had, it was almost strange that he should have been such a strong partisan. Whenever there was a General Election his excitement was intense, and as long as he was able he would go to the Reform Club in order to hear the first results of the polling ; and when he became unable to do this he would sit up later than any of us, in order to get a telephone message from the Club porter, which 'George' would deliver to him, for he never would make use of the instrument himself.

In the summer of this year he was visibly failing. We took Lord Tennyson's house at Aldworth ; but although he admired the glorious views, and walked and sat in the beautiful grounds, and saw some of his friends, he seldom revived more than temporarily. He still struggled to write and to study, but he suffered great pain, which he bore with his usual dignity and philosophy. We were at last able to persuade him to give up taking cases in Court on the plea that the uncertainty of his health might cause disappointment to his clients. He could not bear the idea of being incapable of work, or to contemplate a semi-invalid existence. In his note-book he quotes :

He is already dead who lives only to keep himself alive.—*Goethe.*

It is a part of the cure to wish to be cured.—*Seneca.*

Lord Chatham said that vacancy is worse than even the most anxious work. To carry out great undertakings one must act as though one could never die. Michael Angelo when on the verge of eighty, just before he died made an allegorical figure and inscribed on it, 'Still learning.'

Life to be really worthy of a rational being must be always in progression.—*Johnson.*

He had an extraordinary fund of hopefulness. Just as he would assure each new doctor that he would diminish his smoking and increase his exercise and really persuade himself and his physician that he would start on a fresh mode of life, so he always believed that he would eventually commence some work of great

importance, as will be seen even in the last letter in this book. But with his invincible habit of procrastination, 'the native hue of resolution was sicklied o'er with the pale cast of thought.'

He had wished for several years to undergo a severe operation, but the surgeons hesitated on account of his age. He was finally advised by Dr. Tanner to consult Sir Thomas Horder. The latter, like my father himself, was of opinion that as, if he were left alone, he could only get worse, it was better to take a risk that might ensure him several years of comfort. Mr. Pardoe, under whom he had been for a year or so, agreed to perform the operation. Naturally it was a very serious decision, my father being eighty-three; but he showed no hesitation. The day before the operation he occupied himself by dictating to my sister a list of the books and few personal possessions that he would like to be given to his friends.

In the evening he went with his usual composure to the nursing home, as the surgeon would not take the risk of performing the operation in our house. My father only insisted that 'George' should attend him up to the moment of the operation. He lay between life and death for two weeks. His attendants said that he survived only owing to his wonderfully calm temperament. He became most attached to Sir Thomas Horder, saying it was a comfort to be attended by a doctor who really thought, while Sir Thomas told him it was a rare delight to have a philosopher for a patient. Mr. Pardoe was no less appreciated. On one thing my father insisted, namely, that he should not be left to the care of his assistants, and I believe that Mr. Pardoe gave up one or two of his Sundays in the country in order to dress the wound himself. My father also insisted on being given turtle soup; he had a curious belief in its strengthening qualities, and if any friends were ill, used always to ask if he could not send them some. Very soon he discarded the weaker cigars

provided for him, and would try his doctors' nerves by offering them his favourite strong brands. Another curious fact about so clever a man was, that he would take double doses of his tonics, in the expectation of getting well twice as quickly!

During this illness my youngest brother took us completely by surprise by announcing his engagement to Elsa Leviseur, who had come from the Orange Free State to study music here. She was taken to see my father for the first time while he was still in the nursing home and they at once conceived a strong liking for one another. He was pleased at her being a Jewess—her ancestor being Halévy, the composer. My brother shared her love of music, and her playing and singing proved to be a great pleasure to my father.

Among the wishes which he had written just before his operation, he expressed a desire that my brothers Willie and Harry should marry, being always a strong advocate of the married state; consequently this event caused him great satisfaction. He was as usual interested in hearing about the Colonies, and thought the infusion of this entirely new element in the family a great advantage. Eight weeks after his operation he was able to be moved to a beautiful house which we had taken in the neighbourhood of Farnham. His delight in his recovery and freedom from pain was very touching. His immense powers of hopefulness convinced him that he would have renewed health and be able to work as hard as ever again. In the meantime he had to be watched lest he should go up and down the garden steps alone. It needed much persuasion to induce him to go in a chair drawn by a pony, given him by his nephew. But finally he enjoyed using it to visit a neighbouring shipowner, who knew of him as an authority on maritime law. He had such an admiration for their beautiful garden at Headley Park, that it might have been his own, and his praise of her flowers was so imposingly bestowed, that Mrs.

MacAndrew was deceived into thinking that he knew a great deal about them. She always sent him back laden with heliotrope, one of his favourite scents.

Dr. Tanner got him also to go and see Sir Arthur Pearson, who was then losing his sight, and he was much impressed by his energy and active intelligence. This summer everything gave him unwonted pleasure ; it was as though he had been born into a fresh world, one free from pain. Still, he was disappointed at not yet feeling really strong, and Sir Thomas Horder persuaded him to go to Cannes. I shall not forget his delight, on leaving London in fog, to find on his arrival brilliant sunshine, roses in bloom, and orange-trees in front of his window. He revelled in the bright sunlight and blue sky, and as usual pitied every one in England ; and he turned with renewed zest to his reading, which happened to be the new edition of Bryce's 'American Constitution.' My cousin Philip joined us, and we took some long motor excursions, as all this coast was new to him. He went to Grasse where he was received by Miss Alice Rothschild, who drove him by a winding road up to the summit of her wonderful mountain garden.

What he did not like was the vulgar exhibition of wealth, the endless cars spoiling the roads with their dust, and the high gambling and extravagant prices paid for the meals, though he occasionally looked in at the Casino, and ventured his five or ten franc piece.

He was much shocked that one of the Radical Ministers, who came for a holiday to the Riviera, should constantly be described in the local papers as motoring about with some of the *nouveaux riches* who frequented the Côte d'Azur, and being taken by them to all the most expensive restaurants. He considered this conduct as inconsistent with his dignity as a Cabinet Minister, and with his profession as a Radical, although had he lived to see him rise still higher, he might have recognised it as consistent with his

versatility and opportunism. Nevertheless, my father amused my cousin and myself by saying: 'I have read of a new and very wonderful restaurant called Ciro's, I should like to try it.' We accordingly drove over to Nice, where he ordered a simple meal and tried to persuade himself of its super-excellence, though he came away much scandalised by its price.

In the summer of this year he wrote to me as follows:

Bramshott Chase, *Hindhead*,
1913.

My dear Lucy,

I think I ought to write you a few lines before you come back. I hope you are all the better for your little holiday and your pleasant stay at Lady Battersea's, and have had as fine weather as we are having. It is quite as fine as at Cannes, and the air is better. Winnie is wonderfully bright and happy, and Anthony as charming as ever, and Bernard is a very pleasant guest, never in the way and never out of the way. I am in better health, and am enjoying the bright sun and blue sky. I have been reading Bleak House again with much pleasure, and am going through a course of reading on Insurance Law. After all I have made this subject my own, and intend to write on my return a series of Articles on the doubtful and difficult points on this branch of law, which I think will be useful and somewhat original.

I suppose you find Sir A. West interesting; he has known so many distinguished men, like Gladstone, Lord R. Churchill, and is an admirable *raconteur*. I suppose Lady Battersea enjoys her philanthropic work, and her efforts to make all about her happy and better. George is a most stimulating and amusing democrat, *e.g.*, he says, 'Why spend so much money in improving the façade of Buckingham Palace, instead of improving the hovels in which so many of the poor are passing a miserable and degrading life?' It is strange how difficult *these root problems* are to solve; it is a pity that some master in political economy like Bastiat does not condescend to set forth the answers to those problems in simple and convincing language, and it is almost dreadful to see how the working man (like George himself) is quite ready to answer off-hand questions which have been anxiously pondered over and discussed by such men as Plato, Ruskin, and Mill. I am more and more im-

pressed with the maxim on which Socrates so often insists—that the first step towards knowledge is to see and feel how little we do know clearly and thoroughly. I really think if I were to live long in this country I should become a philosopher.

Hannah is here as active as ever, and I hope Willie will come to-morrow. M—— is disappointed at her article not having been published; she seems, poor girl, to think that she is entitled to have it published.

Please give my kind regards to Lady Battersea.

Your affectionate father,

ARTHUR COHEN.

He was able to see a great deal of Mr. and Mrs. Dicey at Hindhead, and to discuss public affairs with the former; and the daughter of his old friend Godfrey Lushington gave him much pleasure by driving over and playing to him on her violin. But on the eve of our departure from the country he had a bad shivering attack. Dr. Tanner took him to town in an ambulance, and although he recovered from the attack, he was never fit for much after it. That autumn, on his eighty-fourth birthday, Nov. 18th, he writes in his book of quotations:

I am getting old and stupid, of little use and very expensive; one has to face this calmly and, if possible, cheerfully by thinking of others and of the world's progress. 'Lebe im Ganzen; wenn du lange dahin bist, es bleibt.'

The quotation is from Schiller's poem on 'Unsterblichkeit.'

We again went to Cannes, but it gave him no pleasure. He would sit with a book on his knee, but not reading it. He was convinced that he had had a stroke, although his doctors did not agree with him. He kept saying that he was 'decrepit'; and when we got back to town in May, he spoke but little, and would not be encouraged. Very soon after our arrival, my brother Willie, who had been a very fine, strong man, was suddenly taken ill and had to undergo a severe operation. My father seemed to follow his illness with less concern than usual; he must, however,

have taken in more than we thought, for he wrote himself to the surgeon, asking for his opinion, as he was afraid that the truth was being concealed from him. From the time of my brother's death at the end of May, 1914, he never revived.

There was a diary for 1914 on his table, the only one he ever kept, and the entries in it show the trend of his thoughts ;—his never-failing interest in abstract thought.

In any account of him, this cannot be too much enlarged on. He had a firm belief in the power of the intellect to direct even the most practical matters—'the brain is a handle, not a tool'—and one of his strongest persuasions was that there must be high and even adventurous thought before a practical solution of any great question could be at all valuable. I find the following extracts in his note-book :

The sailor who is preserved from shipwreck by the exact observation of the longitude owes his life to a theory conceived two thousand years before by men of genius who had in view simply geometrical speculations.—*Condorcet.*

J. S. Mill. The Claim of Labour. Dissertation 88. 11.

It is idle to suppose that the business of doing good can be only one for which zeal suffices without knowledge or circumspection.

The danger is that people in general will care enough for the object to be willing to sacrifice other people's interests, but not their own, and that the few who lead will make the sacrifice of their money and time, even their bodies' care, in the cause, but will not do for its sake what to most men is so much more difficult—undergo the formidable *labour of thought.*

He would have looked with distrust on a Government composed according to the present popular cry of 'business men.'

Above all he was an idealist, and this probably interfered with his success as a politician. As he himself quotes from Goethe .

Alles Grosse und Gescheite existirt in der Minorität. Es ist nie daran zu denken dass die Vernunft populär wurde. Leidenschaft und Gefuhle mögen populär werden, aber die Vernunft kann immer nur im Besitze einzelner vorzüglichen sein.

He defended the system of not putting an expert at the head of a Government office, and would not even admit the inadvisability of putting a lawyer at the head of an office like the War Office. He quotes Burke on his beloved profession, showing the two aspects of it :

He was bred to the Law which is, in my opinion, one of the first and noblest of human sciences; a science which does more to invigorate the understanding than all the other kinds of learning put together; but it is not apt except in persons very happily born, to open and liberalise the mind exactly in the same proportion.

Again, Burke, speaking of lawyers, says, I think with considerable truth :

Their very excellence in their peculiar functions may be far from a qualification for others. It cannot escape observation that when men are too much confined to professional duties, and as it were in the employment of that narrow circle, they are rather disabled than qualified for what depends on the knowledge of mankind, on experience of mixed affairs, and on a comprehensive view of the various complicated external and internal interests which go to the formation of that multifarious thing called a state.

But it is to be observed that this observation should not be applied to lawyers alone, but extends to all whose thoughts and occupations are confined to one definite circle. —*A. C.*

How often did not my brother Willie say: 'Well, father, you don't think *you* could be Secretary for War.' He would answer that he did not think that this would be at all impossible ; that he would have the opinions of the greatest experts put before him, and that he would be perfectly competent to weigh and to dis-

criminate from among them the wisest course to pursue. I am afraid that he did not succeed in convincing his children.

As a matter of fact, in later years he was the contrary of so many old people who become opinionative and narrow; I fancy that he saw so many sides to a question that his own mind was often undecided. He also probably did not feel quite the same power of thought or expression as before, or recoiled from the effort of exercising it; therefore, he did not often espouse strongly any one point of view, and he was more in the habit of examining all the aspects of a subject, and perhaps exposing the fallacy of some of them, than of letting people know what was his final opinion.

The diary for 1914 to which I have referred is written in a very feeble hand, and the entries are as follows:

Jan. 5th, 1914. Read in Morley's Life of Gladstone, read Schuster's Studies. Found it very interesting, shall read it again. Studied Permutations and Combinations.

Jan. 6th. Read Schuster. Shall not read any more of Schuster, at all events at present.

Read Morley's Life of Gladstone, intend to read the 3rd volume again very carefully. Am more and more struck by the wonderful subtlety of his intellect and the force of his eloquence. I have done some mathematics, but feel slack. During the last two years have become ten years older. I must do as much as I can during the short time I have to live. '*Sammele dich*,' as Goethe says.

Jan. 7th. Got up, I am sorry to say, very late.

Got from London Library Boole's Differential Calculus. Must read De Morgan's Differential Calculus; it is good training for the intellect.

Began again in the 3rd vol. of Morley's Life of Gladstone. 2nd Chapter on Bradlaugh very interesting. 3rd Chapter on S. Africa.

Jan. 8th. Got up a little earlier to-day.

Read De Morgan's Dif. Calculus and 3rd vol. of Morley's Gladstone. Wrote three letters. I had in the afternoon a bad oppression in the chest. Am not getting on better. But do not

mean yet to give in. Took for dinner only bread and milk. Had a somewhat better night.

Jan. 9th. Am a little better to-day.

Read De Morgan, very profound and interesting, but wants eloquence and clearness, qualities so characteristic of French writers. Read a good deal in 3rd vol. of Morley's Gladstone, some chapters are brilliant. Gladstone's intellect was in some respects gigantic, so subtle and so comprehensive. But he was far too ingenious and he lacked the great qualities of simplicity and directness. In these very important respects Pitt and Peel were far superior to him as statesmen. I must read one or two of his Budget speeches.

12th. Had a good night, walked downstairs much better than yesterday. Read newspapers for an hour (half an hour too much). Mean to analyse 3rd volume of Morley's Gladstone, and to study Diff. Equations. Concentration of thought most important. *Bend your mind towards the question you are studying.* I have but a short time before me.

Jan. 13th. Had a tolerable night. Read Haldane's Descartes. It contains too much philosophical history. Worked at Boole's Diff. Equations. Had a case to advise on. Sit less in armchair.

Jan. 19th. [But written so that I cannot read all.] What I propose to do: Study the case. Read Morley. Read Boole. Write on Diff. Equations.

What I did: I have read a good deal of Morley. Wrote two letters. Read mathematics.

[One or two pages are torn out. One is covered with equations.]

Jan. 31st. I find that I must see one or two more people or I shall get very rusty and stupid and dull to myself and others.

[We went abroad and the diary was untouched until May.]

May 9th. All your symptoms point to a want of vitality and to a feeble circulation. How is this to be remedied? It is clear that the less you smoke the better. Take Epictetus, Thomas à Kempis, or any other great author and your duty is clear.

May 19th. Winnie came to town, full of life and vigour. May she long continue healthy and happy. Saw Florrie [his niece], wrote to Willie. *To-morrow I shall begin to smoke* less.

A diary is of great use when it only reminds one how diffi-

cult it is to keep resolutions and how one is to exert oneself. For this Thomas à Kempis is useful. It is a diary in substance if not in form.

May 25th. Grant me a clean heart, O Lord, and renew a stedfast principle into me. A firm mind.

May 26th. Willie died.

June 8th. Think of Willie. What you were to him? What you might have been to him! Form resolutions as regards your children and other relations.

[He went to stay with my brother Ben in the country, and the entries are very indistinct.]

June 13th. Have full command over your movements. Direct and control them. The great thing for me is to realise fully what I am doing. Form a picture of it. When you have succeeded in doing this, form a judgment as to what you should do. Pronounce your judgment and carry it out. Do nothing by halves. What you do, do with all your heart; *e.g.*, you meet a man. Get to know his history. Find what you can do to relieve him. Then do it with all your will.

June 15th. Make it a point to write each day an entry. Learn five lines each day. Life is short — exert yourself strenuously.

June 16th. 'Life is short.' The truth is, if something has to be done, do it at once, since you may be prevented from doing it. '*Live as if you had to die to-morrow.*' This was said by Epictetus, his maxims are wonderfully true and important.

The Life of Lord . . . . is not instructive. Life is too short for the reading of such a book.

Read Epictetus and Cicero, the former on account of the thought, the latter on account of the language and eloquence.

'Turn over a new leaf.' This phrase is taken from book-keeping. It means a new account. Strike out all that relates to the old account.

June 24th. Pray for strength and courage and truth. Master Epictetus, he is so masterful, so direct in his style and teaching.

June 30. Write on the Declaration of London. Read my address on the Declaration of London.

[He then returned to London and there are no further entries.]

In the summer of 1914, my sister Mary became

engaged to Mr. Colyer Fergusson, son of Sir James Fergusson and grandson of the great surgeon, and the owner of Ightham Mote. He was a widower with several children. My father was just able to see him, but spoke very little ; his only comment to me was, as usual, just to the point: 'It is a great experiment.' Fortunately, I can add a very successful one. He also dictated a few letters in answer to letters of sympathy about my brother's death, each well expressed and different from the other, but it was evidently a great effort.

In July, when we took him again to Hindhead, his strength was visibly failing and he rarely spoke ; it is impossible to know what went on in his mind. The war broke out before our return to London, and we never knew whether he fully realised it or not. On being told of the state of affairs, his only remark was : 'I think the whole world has gone mad.'

He was spared the shattering of many illusions. When my soldier brother-in-law would discuss the probability of such a war, my father would hardly listen. He always maintained that the Socialist element in Germany was far stronger than was realised here, and he imagined it quite powerful enough to restrain the military party from their warlike schemes.

It is perhaps well that the end came when it did, and that he was never aware of the extent to which the science of destruction and the savagery of warfare were carried by the Germans.

He came back to London in the autumn of 1914, and became gradually weaker, still peaceful and never irritable or complaining. A few days before the end he developed symptoms of pneumonia, and sank quietly to rest, with a few gleams of consciousness, on November 4th, 1914, within a fortnight of his eighty-fifth birthday. He was buried by the side of my mother in the Jewish cemetery at Willesden.

The last words of his book of extracts may be truly applied to him :

'When I come into my time, I shall find rest with her (Wisdom), for converse with her hath no bitterness, and to live with her no pain, but joy and gladness.'

THE RIGHT HON. ARTHUR COHEN, K.C.

(1830–1914).

From the 'Law Quarterly Review,' January, 1915.

The death of Arthur Cohen has robbed the Bar of one of its glories. He came as near as a man could to the ideal of an English lawyer. This assertion may no doubt appear to the ordinary public to savour of exaggeration. But it is in reality the simplest statement of an indubitable fact. The public, however, know very little about legal eminence. Even of the men who have obtained high judicial office (unless they have also been very conspicuous either as politicians or by their success in winning verdicts as advocates) English gentlemen outside the legal profession remember very little. The modern Roll of Glory is the Dictionary of National Biography. The notices therein of the most distinguished among our lawyers are, as a general rule, few and scanty. You will find, for example, in that excellent work but short lives of Sir George Mellish and of Sir James Shaw Willes. But for these eminent men such notices mean not so much posthumous celebrity as the 'little wreck of fame.' No reader would imagine for a moment that Mellish was the greatest common law lawyer of the mid-Victoria era, of whom it was often said that his opinion in a client's favour was worth as much as a judgment of the Exchequer Chamber—then the very strongest of our common law Courts of Appeal—or realise that Willes, besides his high repute as a judge, possessed a depth and width of legal learning not often found among English lawyers. Yet both Mellish and Willes attained to high judicial office. It is certain therefore that the real greatness and distinction of Cohen, who did not become a judge of the High Court, though he was at one time offered a judgeship, must be little known to any but barristers or judges. In a legal periodical, therefore, it is well that the nature and the causes of Arthur Cohen's eminence should receive some real, though it must be from the nature of things very inadequate, notice.

The high esteem in which Cohen was held, from the time he joined the Bar to the moment of his death, by every lawyer capable of appreciating legal reputation and high professional character, was due to the combination in him of two characteristics. He was endowed with great mental power which, applied to the study of law, gave him legal genius. He also possessed a magnanimity or a greatness of soul not invariably found in men of powerful understanding; and this earned for him (though I think to himself almost unconsciously) the respect of every man who came across him, and also the warm affection of his friends.

Cohen was a born mathematician. When a boy of twelve while on a journey he, it is told, astounded some fellow traveller who found him reading Newton's Principia. A very high mathematical degree obtained at Cambridge in 1853 by the first Jew who had ever been admitted to a Cambridge College, did not, as sometimes happens with others, adequately represent his mathematical talent. He continued throughout life the study of mathematics. A year or two before his death after undergoing a severe operation and when gradually recovering, one of the first books he asked for was some abstruse mathematical volume, and finding that he could follow the reasoning as well as ever, he observed quite simply, 'I am so glad to see that my mind has begun to work again.' Cohen, therefore, in 1857 was already known as a distinguished mathematician. He rapidly obtained business, and with it the lasting reputation which is best described in these words of Sir Frederick Pollock:

'Cohen's reputation stands, and will continue to stand, far above those of many contemporaries and juniors who were more successful in attaining judicial distinction. One must go back for a parallel to names almost prehistoric to our younger lawyers. Cohen was the peer of Serjeant Maynard and Plowden, or, in a branch of the law remote from his own, the great conveyancers of the early nineteenth century, now remembered by a dwindling group of specialists in Lincoln's Inn, and by a few scholarly masters in America.

'Not that Cohen was merely or even chiefly book-learned; far from it. There was no man at the Bar whose judgment was sounder, or whose opinion was more highly respected on practical grounds. His work as counsel for Great Britain in more than one great international arbitration case (largely frustrated in one of them because this country's judicial repre-

sentative behaved more like an intemperate advocate than an arbitrator), and in a quasi-judicial capacity as a member of Royal Commissions, was eminently that of a good man of business. He was never much of an author in the ordinary sense, having not much leisure and no strong literary vocation; bnt whatever he did write bore the mark not only of a careful man who weighed his words but of a scholar who knew how to choose them with the fitness which, excluding all artifices of style, is itself the best of styles for professional exposition.'[1]

Place side by side with this appreciation these words of another lawyer who was well acquainted with Cohen :

'He was a scientific lawyer, in a sense which is now rare and which has become barely possible in these days of codes and statute law. He had a large knowledge and a firm grasp of principles, and he followed them out slowly but tenaciously and logically. Nothing could be more instructive than to notice his handling of a difficult unsolved question in marine insurance or general average. The solicitor who consulted him must not expect a prompt answer, but the opinion when given was based on a careful study of all the authorities and calm consideration of the consequences of adopting one or other of conflicting views. The Court might generally with advantage have accepted this opinion as its judgment.'

Cohen's mode of work, to one who has had an opportunity of noting it, was very characteristic of his special genius or turn of mind. His occasional slowness, or even one might say dreaminess, in solving the problems with which a barrister in a large practice is concerned, had nothing to do with indolence or with inertness of thought. It was in reality attributable to his desire to get completely to the bottom of any case submitted to him for his opinion. To every question laid before him, whether by a client or it might be by a friend who wanted the gratuitous aid of his advice, he gave the whole of his mind and of his attention. He was anxious, possibly even too anxious, to deal fully and exhaustively with every legal inquiry. He could not bear to have any hand in superficial work. He had been trained in the chambers of an eminent pleader—Mr. Dodgson—and one could soon see where his legal education had been gained. His advice to a junior, 'never confuse together facts and law', is the first and elementary principle of special pleading, and it is here worth noting that Cohen's legal know-

[1] *Spectator*, Nov. 14, 1914.

ledge was acquired between 1852 and 1862, years which may be called the golden age of special pleading. For at that period a system which strictly divided questions of fact from questions of law had been divested by the Common Law Procedure Acts of the rigidness and over-technicality which had sometimes converted an admirable scheme of procedure into an instrument of injustice. Whatever the merits or the defects of special pleading, the special pleaders were at any rate the most complete masters and the best teachers of our common law whom England has ever possessed. Cohen profited immensely from their teaching, but he soon showed that his knowledge of law was in no way confined to those branches of the law of England to which the attention of special pleaders was devoted. He became a most competent adviser both with regard to international law and in regard to the so-called conflict of laws. True it is that, speaking broadly, he wrote no law books, though it must be borne in mind that, in co-operation with his son, Cohen was the author of the article on the Law of Insurance contained in Lord Halsbury's Laws of England, vol. xviii, and was throughout his legal career as high an authority as any one could hope to discover on the intricacies of our insurance law. Any layman who wishes, however, for an example of Cohen's skill in the statement of a difficult legal question, and in the provision of a clear and readable answer thereto, should look at the Report of 1906 of the Royal Commission on Trades Disputes and Trade Combinations. Among these Commissioners Cohen was the most learned of English lawyers. It became necessary to explain the legitimacy of the action taken by the English Courts in the enforcement, by then recent judgments, of the duty laid by the law on trade unions to pay damages for torts committed by the agents of such union in the conduct of a strike, and also to explain the existence among many trade unionists of the natural, though erroneous, notion that the Courts had imposed upon workmen employed in conducting a strike new and oppressive obligations. No one can doubt that the performance of this difficult task is to be ascribed, in the main, at any rate, to Cohen.[1] In words of judicial temperance and of complete literary clearness he has by the lucid statement of complicated legal rules in the first place vindicated the fairness of judicial decisions, and, in the next place, has explained how it has happened that improvements in legal procedure made without any reference to trade disputes,

[1] See Report, pp. 3–9, ss. 13–39.

and imposing no liability upon trade unionists which does not equally fall upon every other citizen of the United Kingdom, might, just because such improvements facilitated the enforcement of liability for wrongs done by trade unionists to private persons, not unnaturally though erroneously seem to a fair-minded artisan to impose a new and excessive liability upon trade unions to pay compensation for such wrongs. At the moment I am concerned with Cohen's part in producing a celebrated Report solely as a specimen of his marked literary capacity for legal exposition. Cohen's contribution to this Report illustrates a trait more important than his power, considerable though it was, of giving clear expression to principles of law, namely his statesmanlike equity towards the claims both of workmen and of employers. Here, however, it is worth while to note one or two interesting peculiarities in his method of studying law and of keeping up and extending his knowledge thereof. He was in the strictest sense a scientific lawyer. No man ever spent more intellectual power upon the mastery of legal principles and of their close interconnexion. The end which he proposed to himself was to make sure of understanding what was the true answer to the questions raised by any case laid before him. But he looked at law rather from a logical than from an historical point of view. Neither he nor any competent lawyer ever supposed that a rule of law can be looked upon without some reference to its historical growth. But he had less sympathy with the historical method of dealing with legal problems than have many able lawyers who look upon law rather from the point of view of an historian or a professor, than from the point of view of a practising lawyer called upon to give a clear and sound answer to questions of law as they arise daily in our Courts. He had little interest in legal antiquarianism. My conviction is that he shared the belief which I have heard expressed by an eminent judge, that for answering most of the questions which now call for legal decision, there is little good in carrying back one's legal inquiries beyond the beginning of the seventeenth century, or at earliest the sixteenth century. No man, however, took more elaborate pains not only in reading with the utmost care the reported cases which bore on a question requiring his consideration, but also in carefully weighing the various conclusions which might be drawn from any leading case. It is possible to recall instances in which he has seemed to me somehow or other to strike new light from a case the meaning whereof one would have thought had been almost

exhausted by the frequent attention drawn to such a well-known record of judicial decision. He had, lastly, a habit, and I venture to suggest a most useful habit, not only of restudying text-books of authority but of reading with great care newly written text-books which he considered to have any originality or special merit. Practised and consummate lawyer as he was, Cohen was always ready to learn from others and even from men who, though they may have given special attention to some limited topic, did not possess anything like as much legal experience or anything like as sound legal judgment as his own. He found apparently not only intellectual aid, but a great pleasure in revising in the light of other persons' ideas his view of fundamental principles of law. He certainly did not with ease forsake legal conclusions which he had thought out and held to be sound, but his confidence in such conclusions rested to a great extent upon the care with which he again and again revised his view of fundamental principles in the light which not only new cases but also the thoughts of new writers might throw upon them.

He was employed as the representative of Great Britain in international arbitrations where the interest of the country was at stake, *e.g.* as junior counsel to Sir Roundell Palmer in the Geneva Arbitration of 1872 with regard to the Alabama Claims, and as one of the counsel in the Venezuela Arbitration of 1913.[1] He was appointed in 1906 a member of the Royal Commission on Trades Disputes and Trade Combinations. All this is proof enough that from the time when Cohen was rapidly rising as a very young man to a leading position at the Bar up to the time when he was known to be one of the most learned and the most experienced of English lawyers, he commanded the esteem and the trust of men high in office. Such men would be very little likely to employ any barrister in matters the decision whereof was of national importance, unless they knew him to be a lawyer of very marked ability. To this it must be added that when a comparatively young man, that is somewhere between 1880 and 1882, he was offered a judgeship in the High Court, and declined to accept the offer partly, at any rate, because the leaders of the Liberal Party, to which he belonged, did not wish to risk the loss of a parliamentary seat which Cohen could at all times easily retain, but which might on Cohen's appointment to a judgeship be filled by a Conservative. Why, it may well be asked, was a man whose presence would certainly have

[1] Not to be confused with the earlier one on the British Guiana Boundary Question.

added strength and dignity to the Court of Appeal, to the Judicial Committee of the Privy Council, or to the House of Lords, as a final Court of Appeal, never placed in a position to which such a consummate master of English law had a moral claim? The difficulty of answering this question is increased by the known expression, on the part of more judges than one, of their consciousness that Cohen deserved the highest rewards of professional success. That he was in old age created a Privy Councillor by a Conservative Government, though himself throughout life a steadfast Liberal, is something very like a public admission that the right of the nation to have the highest Courts of the realm filled by men of the highest legal eminence had been practically in his case for years overlooked. A complete reply to an inquiry which must occur to any Englishman zealous for the dignity and efficiency of our legal system can be given only by the few surviving statesmen who, as Prime Ministers or Chancellors, have regulated the distribution of high offices. The fact that the highest legal merit should not have obtained due recognition betrays or suggests some of the weaknesses of party government as it exists and works in modern England.

Turn now from Arthur Cohen's distinguished career as a consummate English lawyer to a certain greatness and magnanimity of character which won for him both the admiration and the affection of his friends. That he possessed high intellectual power was patent to any one who traced the course of his life. He was a man who talked very little of himself, and was, I think, even more reserved in the expression of personal feeling than is, as a rule, an Englishman, and, above all, an English lawyer. Yet to friends who came to know him at all intimately, it became more and more manifest as years went on that Cohen was endowed not only with rare intellectual power, but with a singular greatness of heart and of soul. To say that as a barrister he lived up to the very highest standard of professional honour and integrity, is, so to speak, to say nothing; for the same thing is, we may be thankful to feel, true of the vast majority of the men who make up the Bar of England. An honourable profession ought to be, and, in general is, practised by men of honour. The only reason why it is worth while to say of any one leading counsel that he never forgot the respect due to the noble traditions which in England govern the action not only of judges but of advocates, is that, just because the virtues of integrity and honour are common to most English lawyers,

we are too apt to forget that it is the perfectly honourable character of lawyers like Cohen, whether on the Bench or off the Bench, which has created and keeps alive that tradition of legal virtue which in England gives its purity and dignity to the whole administration of justice. What I should wish here to emphasise is the possession by Cohen of a certain greatness of soul which cannot from the nature of things be possessed by the greater number of any profession whatever. In politics, for example, it must be quite certain to any man with the least eye for character that Arthur Cohen was guided wholly by the desire to serve the country. I do not mean by this that he despised party ties. Far from it. He was, when he entered Parliament, a firm Gladstonian Liberal, and though he never sacrificed his fairness of judgment, I have no doubt that he continued a Gladstonian Liberal to the end of his life. But no one could have believed that for a moment he had even felt the temptation to let the desire to further his personal interest, *e.g.* by attaining high office, tell upon his vote. The year after Cohen came into Parliament Mr. Gladstone brought in and passed the Irish Land Bill. The measure was in many respects difficult to understand. Cohen made himself complete master of it. He could expound its provisions with clearness. But he was new to Parliament, and he was already fifty years of age, and probably did not feel it easy to gain the exact tone, whatever it is, which suits the House of Commons. He supported the Bill, but to his own disadvantage he did not, I suspect, make his comprehension of the measure so clear to his parliamentary associates as to some few of his personal friends. He was very early a Home Ruler. He certainly supported Mr. Gladstone's Bill of 1886, and I am not convinced that he did not incline towards Home Rule even earlier than his leader. Of his attitude as a Home Ruler I can speak fairly, as I have been from the first a Unionist. Cohen, as was his habit, formed his estimate of Home Rule, so to speak, judicially. I do not think the Bill filled him, as it did some Gladstonians, with enthusiastic hopes. On the other hand, he, whether rightly or not, did not rate the dangers involved in the policy of Home Rule anything like so high as I did, and I presume do most Unionists. He judged of Home Rule with a judicial calmness impossible, I think, to an ardent Home Ruler or to an ardent opponent of Home Rule. One thing is certain. He firmly adhered to his own convictions. But there was nothing in his attitude which made it difficult for him to discuss Home Rule, or indeed any

other political question, with one who did not share his own views. It was this calm, disinterested, and detached judgment which made his political opinions, even to those who did not share them, so full of interest and of impressiveness. When in 1888 he resigned his seat, he took the step apparently because whilst he remained in the House of Commons he felt himself bound to return briefs to which he could not, in his judgment, give the attention which they deserved. He knew human nature, as at any rate it exists among English politicians, quite well enough to be assured that from the moment he left Parliament he considerably diminished the chance of that promotion to high judicial office which he deserved. Yet any one who knew him, perfectly understands that he would never let this consideration lead him to accept business to which he could not give the requisite attention, and, further, that he would never have pressed upon others claims which ought to have received attention without any demand on his own part. He had, in short, every talent which could be given to an eminent English jurist and lawyer except the gift for pushing his way. The father of Jeremy Bentham was not mistaken when he pressed upon his son that 'Push, push, push' was the only way to success. This maxim is as true in the twentieth as it was in the eighteenth century. Still the very lack which probably hindered Arthur Cohen's promotion is in reality a part of that calm greatness which his friends like best to recall. Few were the friends, if any, to whom he ever expressed the sense of not having received fair treatment. He probably thought that 'little things are great to little men,' and that to the little men alone do rewards come easily. Retirement from the House of Commons, whatever its effect on Cohen's chance of rising to high judicial office, certainly did not affect his interest in politics. He continued through life to be a Gladstonian Liberal, though he had little sympathy with the socialistic Liberalism of the twentieth century, and in this point he fully resembled Gladstone. Nor did Cohen ever show anything like his leader's capacity for discovering at a moment's notice eternal principles which happened, or at any rate seemed, to coincide with the immediate sentiment of the electors whose votes might enable the Liberal Party to obtain, or retain, office. He certainly was a man with whom it was pleasant and also advantageous to discuss politics of any kind. His manner and his feeling towards an opponent was always profoundly courteous and considerate. He cared apparently for the transitory and the merely personal aspect of political controversy, as indeed of

social life, very little. He was apt to attribute to others his own judicial fairness, and I am certain that to his friends, whether they assented to his views or not, he ascribed a reasonableness and moderation of spirit which they did not always possess. If he had made as profound and lifelong a study of English political life as of English law, it would often have been difficult for even an opponent not to admit that Cohen's judgment on matters of policy was probably sounder than his own. In any case a disputant would have been wanting in wisdom who did not pay great attention to any political opinion at which Cohen had deliberately arrived. Such an opinion was certain to be the result of real thought. It was sure to be a conclusion which a very candid and thoughtful man could, on reasonable grounds, defend. It was certain to represent a view which, whether well founded or not, deserved respectful consideration.

Occupied as was Cohen with the performance of all the duties which fall to a leading counsel, hard as he laboured in assiduously keeping up and extending his knowledge of law, and interested as he was in the intellectual movements and the politics of the day, his width of intelligence and of sympathy kept him occupied with matters which were outside the realm of legal practice, and involved him in an amount of work not known completely to many of his friends until after his death. He, for example, took, in common with Westlake, a keen interest in the Working Men's College, and for some time taught mathematics there to its students. We now know what many of us suspected, but could only conjecture during his lifetime, that Cohen gave an infinity of sympathy, of thought, and of work, to everything which concerned his coreligionists. The two or three numbers of the Jewish Chronicle published after his death are from this point of view a remarkable and a very interesting revelation of his character. One or two expressions used by a man certainly not given to cant about anything whatever, and markedly reserved in the expression of religious feeling, are to all who knew him full of meaning. At a dinner given in his honour by a Jewish society he says, 'A man who belongs to that race must indeed be of sluggish temper and dull of intellect who is not proud to own allegiance to a faith at once so ancient and so young.' On one point he writes on another occasion, 'You can rest assured, and may assure everybody else, nothing that has happened will diminish my attachment and loyalty to the Jewish community, and my deep interest in and sympathy for the

Jewish faith.' These words, and others like them, are not mere words, but express feelings and beliefs which ruled Cohen's conduct thtoughout a busy life. Nothing Jewish was alien to him. He laboured on the Council of the United Synagogue. He accepted the office of examiner in the Jews' College. He qualified himself for office in the College by the elaborate study of Hebrew literature. He worked hard as President of the Board of Deputies. At a time, in short, when many men would have felt that increasing years and the demands of business made it no longer a duty, he laboured hard in everything which concerned the interest or the welfare of his coreligionists. I dwell upon this trait not because it causes me any surprise, but because it gives an example of my friend's generous labour for others in a sphere of which many of his friends know nothing. Let me take, as a last example of Cohen's character, his infinite zeal in the performance of all the duties of friendship. On this matter I can speak with the authority of personal knowledge. No man gave more generous and perpetual help to friends who, either in the ordinary business of law or in the composing of law books, asked for help from his wide, profound, and practical knowledge of English law. I have never known any one who more readily appreciated, by which I mean in truth rated above its worth, the work of younger lawyers far less learned and of far less experience than himself. My first introduction to Cohen arose from his reading, in 1870, my now obsolete and forgotten Treatise on Parties to an Action. I found, to my surprise, that he had seen and actually read the book, and from the happy day on which I made his acquaintance I have almost invariably availed myself of his aid when writing any work or involved in any perplexity of a legal character. His help in no instance failed me. He would discuss by word of mouth or by letter any point of law on which I wished for his opinion. He was the most friendly, but also the most honest, and therefore the most effective, of critics. The obligations which I owe to him for what may be called intellectual aid are immense, and I have not the remotest doubt that he gave similar help to many other friends. I can only sum up on this point my appreciation of help thus given to younger lawyers than himself in words which I am glad to think I many years ago used elsewhere. Arthur Cohen's 'mastery of legal principles was surpassed only by the kindness with which his learning and experience have been placed at the service of his friends.'

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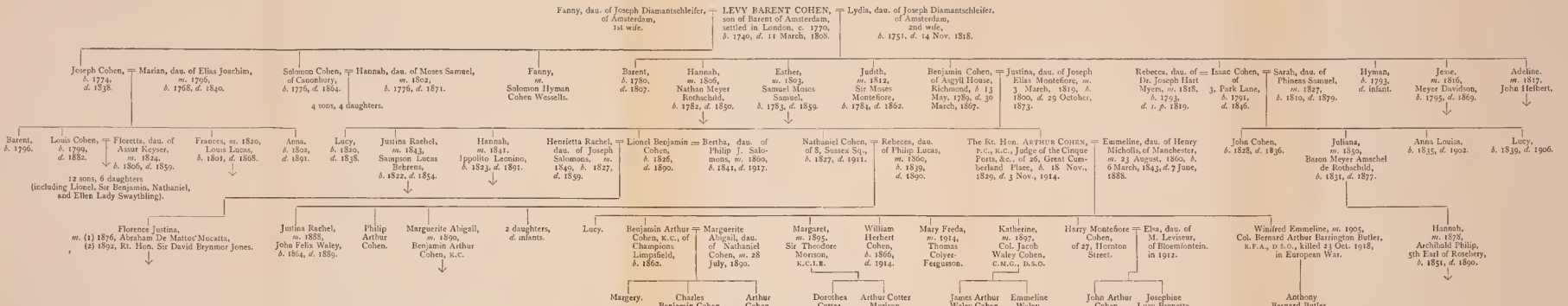

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