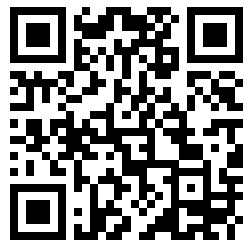

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THE INSTITUTE, *London*

. . . . A CLUB OF
CONVEYANCING COUNSEL

Memoirs of Former Members

EDITED AND EXCEPT THREE WRITTEN BY

JOHN SAVILL VAIZEY

BARRISTER-AT-LAW, AN HONORARY MEMBER OF THE INSTITUTE

PRINTED FOR THE CLUB 1895, 1899, 1900 AND 1907

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PREFATORY NOTE.

THE following memoirs are those of the first 69 members of The Institute in the order of their election. The last of them was elected in 1861. Two others, elected in 1877 and 1880, have been added for special reasons (see p. 250). The memoirs have been issued in four parts. The first, containing Nos. 1 to 20, pp. 1 to 52, in the year 1895; the second, containing Nos. 21 to 50, pp. 53 to 150, in January, 1899; the third, containing Nos. 51 to 60, pp. 151 to 198, in 1900; and a final part, Nos. 61 to 69, and also Nos. 77 and 80, pp. 199 to 266, in April, 1907.

The memoir of Mr. Dalzell (p. 70) was written by Mr. F. A. Peck, of the Chancery Bar, a son of the late Mr. J. K. Peck, a former member of the Institute—that of Mr. Joshua Williams (p. 172) by his son, Mr. T. C. Williams, now a member, and that of Mr. Davidson (p. 159) by his nephew, Mr. M. G. Davidson, now the Secretary of The Institute—the lines quoted at the end (p. 167) being added at the suggestion of Mr Davidson's first pupil, the late Mr. T. C. Wright.

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PREFATORY NOTE.

The Preface which immediately follows this note was issued with the first part in 1895. Since it was written the compiler has seen and examined the first Minute Book of the Institute, and has culled from it several entries which are of interest to the present members of the club. On the 15th of March, 1815, and at the Freemasons' Tavern, Messrs. Brodie as chairman, Hodgson, Morley, Tyrrell, Coote, and Tomkyns resolved, among other things, that a club should be established; that the members should dine together on the first Monday in every alternate month; that Messrs. Harrison, Birch, and Kerr (meaning, it is presumed, Bellenden Ker, below, No. 67) be invited to become members; that the number should be limited to twelve; that no member should be admitted who should not be a conveyancer in practice in London; that Coote should be Secretary, and that the club should be called The Institute. The minutes were signed by Mr. Hodgson as President. On the 1st of May the Secretary reported that Mr. Harrison had accepted and Mr. Birch had declined the invitation, and that he had not invited Mr. Ker because he was a member of the elder Conveyancers' Club (see below, Preface, p. v). Mr. Walters was elected, and it was resolved that three years' standing be required for membership, and that Hodgson be President and Coote Secretary for one year. The club appears to have consisted of the above-named eight members till the election of Mr. Wilde,

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which was reported on April 17th, 1817. In June, 1818, Mr. Lloyd Williams; in May, 1819, Mr. Egerton; and in March, 1823, Mr. Francis Turner were elected, and so the first number of twelve was completed.

From time to time the days on which the meetings at dinner should be held were varied, and the present practice of meeting on the third Tuesday in January and the second Tuesday in March, May, July, and November was adopted in May, 1853. The hour was at first six o'clock, but in 1825 it was altered to five o'clock. The restriction on the number of members was relaxed by many successive changes, its present limit of forty being proposed in 1849. The name The Institute given to the club by its founders may suggest audacity in them, for they were all young men. The men then of such renown as conveyancers obtain were members of the older club. But the audacity, if such it was, did much to justify its perpetrators. Fourteen years later two of the six founders, Hodgson and Brodie, and later Tyrrell with Duval (below, No. 31), were appointed members of Lord Lyndhurst's Real Property Law Commission, and Coote's publication of his well-known work made his name almost a synonymy of the Law of Mortgage. The original resolution that three years' standing—afterwards altered to five years'—should be a necessary qualification for eligibility to the club perhaps meant standing as a certificated conveyancer, for it does

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not appear that all of the earlier members had been called before their election.

That the founders of The Institute had public objects in view when they established it is shown by the following resolution, and the subsequent extract from a letter written by Mr. Hodgson well describes the value of the club to its members themselves.

In 1828, when the possible number of the club had been increased to twenty, the members passed a resolution that they would, individually as well as collectively, give their best assistance to the Real Property Commission; that the members of the club who were not members of the Commission would meet from time to time for that purpose; and that the Secretary should be requested to communicate these resolutions to the members of the club who were members of the Commission. In the following year, 1829, The Institute instructed the Secretary to invite the Real Property Commissioners to dinner on the 16th of February.

Mr. Hodgson, on his retirement in 1849, wrote to Mr. Coote, then the Secretary, thanking his fellow members for their flattering and kind manner of receiving his letter of resignation, and he added that, looking back to the long period since the foundation of the club, he could not help feeling both pride and satisfaction in the conviction that the society had been the means of doing good service to the profession of its members, in bringing

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together men who ordinarily are not so much thrown into each other's society as it is desirable that they should be, thereby contributing to the production and maintenance of that feeling of mutual confidence which is so essential to the intercourse of a liberal profession.

In 1853 a minute noted that it was understood that conveyancers of the Court were eligible to The Institute.

In 1864 the qualification for membership, which consisted of practising as a conveyancer, seems to have been dispensed with (see below, p. 254).

The compiler of these memoirs much regrets the delay which has occurred in the issue of the last eleven of them. They were nearly ready several years ago when he became engaged in work which until a recent date absorbed all his leisure. The writer is very grateful to the many members of The Institute and other persons who have most kindly furnished him with much of the information contained in the lives. Of these only a few can be named ; but first must be mentioned Sir Howard W. Elphinstone, Bart., who, when he was Secretary of The Institute, invited and encouraged the writer to undertake and helped him in performing the task. Next, the aid of the late Mr. Alexander Brodie, who had an extensive knowledge of the earlier members of the Club and freely contributed materials for the construction of the lives, must be gratefully referred to. That aid Mr. M. G. Davidson, the present

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Secretary, kindly procured—most of Mr. Brodie's letters being written to him. Mr. Davidson, moreover, has also furnished much more material out of his own stores of knowledge, and has throughout and in innumerable ways given to the compiler his counsel, assistance, and support. Mr. Burrows also from the first encouraged the project and contributed to the work from his recollection of events and men in a now distant past. He has permitted the insertion in its proper order of the account of his life printed in this collection, although he is not a former member, but still an honorary member of the Club. To the late Mr. C. T. Simpson and the late Mr. J. F. Pownall, both members of the Institute, the writer was also much indebted ; and the late Earl of Selborne, the late Lord Thring, and Sir Edward Fry, besides members of the families of several of the subjects of the memoirs, have kindly contributed information.

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CORRECTIONS AND ADDITIONS.

Page 4 (Brodie). To the list of pupils add Mr. Emly (No. 27), who was with Mr. Brodie during the preparation of the Fines and Recoveries Act, and Mr. Lewin (No. 66) (see letter Mr. Alexander Brodie to Mr. M. G. Davidson, January 27th, 1893). Sir Courtenay Ilbert's statement ("Legislative Methods and Forms," p. 80) that the Fines and Recoveries Act was drawn by Mr. Christie is clearly erroneous. In line 14, for "Q.C." read "K.C."

Page 15 (Tomkyns). In the first Minute Book of the Institute it is noted that Tomkyns, the subject of Memoir No. 6, was President for the year 1820, and retired at the end of 1830. Since Part I. of these Memoirs was printed, and by means of information obtained for the compiler by Mr. Collyer-Bristow, of Bedford Row, it has become almost certain that Mr. Tomkyns was one of two brothers, named John and Thomas Tomkyns, of whom the former was the father and the latter the uncle of

Mrs. Henry Francis Dent, of Menethorpe, near Malton, Yorkshire. Mrs. Dent possesses a family Bible, in which are entries showing that John Tomkyns was born in 1782, became successively a fellow of King's College, Cambridge, a captain in the 1st Life Guards and Royal Dragoons, a barrister-at-law, a clergyman in Holy Orders, and Rector of Greenford in Middlesex, and also that he died in 1849. At a public dinner a wag proposed his health as that of the "Rev. Captain Tomkyns, barrister-at-law." Thomas Tomkyns, according to another entry in the Bible, was born in 1787, became a barrister in Lincoln's Inn, and was accidentally drowned in 1832. The evidence that one of these brothers was the member of the Institute consists of the entry in the Law List of 1829 of Thomas Tomkyns as of 9, New Square, coupled with the fact that Mrs. Dent's mother, who survived her husband John Tomkyns, owned, by a title derived from him, chambers at 9, New Square, Lincoln's Inn. Mrs. Dent wrote that in 1815 there were no other members of her father's family than himself and her uncle, and that it cannot have been her father who was a member of the Institute, because she has a commission of his dated in February, 1815, the year in which "Tomkyns" was elected. If Thomas Tomkyns owned the chambers at 9, New Square, to which Mrs. Dent's mother became

entitled, they may have passed on his death to his brother either by inheritance or devise ; but they may have belonged to Mr. John Tomkyns or to the two brothers. The Law Lists for the series of years beginning in 1815 and ending in 1833 show in 1815 a Tomkyns, and in 1816 a Thomas Tomkyns, as a certificated conveyancer of 16, Mitre Court Buildings ; but no other Tomkyns as either a certificated conveyancer or barrister. In the List of 1817, and the Lists which follow to and including the List for 1830, the names of both John Tomkyns and Thomas Tomkyns are entered—John as a barrister, Thomas as a certificated conveyancer—except that, in none of the Lists for 1818, 1819, 1826, and 1829 is the name of Thomas Tomkyns. In almost every list in which both John and Thomas appear, they have from time to time the same address—first, 12, Serle Street ; next, from 1823 to 1827, 10, Lincoln's Inn Fields, though in the first of those years John's address is given, perhaps by misprint, as 19, Lincoln's Inn Fields. In 1828, 1829, and 1830 the address is 9, New Square. In 1831 the name of John Tomkyns does not appear, and the address of Thomas is 64, Lincoln's Inn Fields. Neither in 1832 nor 1833 does the name of either John or Thomas Tomkyns appear. John Tomkyns in every case is described as an equity draftsman, and a member of the Home Circuit ; in some as of the

Sussex Sessions also. Mr. Thomas Tomkyns must have been the member of the Institute.

Page 17 (Harrison). Line 7 from foot, for "Musgrove" (twice so printed) read "Musgrave"; and in line 2 from foot, for "Sir Bowdler Clerk" read "Sir Bowcher Clarke."

Page 20 (Walters). Line 4, for "John" read "Nicholas."

Page 26 (Lloyd Williams). According to the first Minute Book of the Institute, Mr. Lloyd Williams was Edward Lloyd Williams.

Page 32 (Francis Turner). Mr. Francis Turner died in 1864.

Pages 48, 49 (Erle). Mr. Erle was born at Fifehead Magdalen, Dorset, in 1796; he was educated at Winchester; he resigned the Charity Commissionership in November, 1872. Mrs. Erle was a daughter of the Rev. Joseph F. Fearon, Vicar of Cuckfield, Sussex; 21 *Solicitor's Journal*, p. 263.

Page 50 (Hodgkin). Mr. Hodgkin retired from the Institute in 1840; his eldest son Mr. John Eliot Hodgkin, born in 1829, is the author of "Rariora," 3 vols. 4to, and other works, his second son Thomas Hodgkin, D.C.L., D.Litt., is the author of "Italy and her Invaders"; his youngest son Mr. Howard Hodgkin is a member of the Bar, a clerk of the Charity

Commissioners Office, and author of a work entitled "Irish Land Legislation and the Royal Commissioners;" and his second daughter married the late Mr. Alfred Waterhouse, R.A., the architect.

Page 77 (Christie). Add to list of pupils Mr. A. B. Dickson, a former Member of The Institute.

Page 86 (Dugmore). Add to list of pupils Mr. Thomas W. Hinchcliffe, the Alpine climber, and Professor Sylvester, the mathematician.

Page 95 (Coulson). Add to list of pupils Mr. Badger-Eastwood (below, No. 65). Mr. Coulson's appointment as Counsel to the Home Office was made in 1848 in succession to Mr. Drinkwater Bethune, who had held a nearly similar appointment from 1837: Ilbert's "Legislative Methods and Forms," p. 83, where some earlier appointments for like purposes are described, *ib.* pp. 80-82.

Page 98 (Hayes). Mr. John Warner was not a pupil of Mr. Hayes (Letter from the late Mr. Alexander Brodie, March 2nd, 1899).

Page 104 (Basevi). Add to list of pupils Mr. Connop Thirlwall, afterwards Bishop of St. David's.

Page 105 (Wilson). Add to list of pupils Mr. Holdsworth Hunt (below, No. 51).

No. 1.

JOHN HODGSON.

Elected 1815 ; retired 1849.

MR. HODGSON was called at Lincoln's Inn on April 30th, 1812, and had chambers first at 3, and afterwards 4, New Square. He was an original member of the Real Property Law Commission of 1828 ; was made a Queen's Counsel in Trinity Vacation, 1844, and about the same time a Bencher of Lincoln's Inn. He died at the Cedars, South Lambeth, August 31st, 1849, aged 63. The late Mr. Henry John Hodgson, a Master of the Supreme Court, who died in July, 1892, was his son.

[*Sources of Information* : Law Lists ; Real Property Commissioners' Reports ; 6 Beavan's "Reports," ix. ; "Annual Register," 1849, p. 265 ; Mr. A. Brodie's Letter to Mr. M. G. Davidson of January 27th, 1893.]

No. 2.

PETER BELLINGER BRODIE.

Elected 1815; died 1854.

MR. BRODIE was the eldest son of the Rev. Peter Bellinger Brodie, Rector of Winterslow, Wilts, and was born there on August 20th, 1778. The eminent surgeon, Sir Benjamin Collins Brodie, Bart., was his brother. Mr. Brodie appears to have been practising as a certificated conveyancer at 1, Pump Court, in 1804; at 9, King's Bench Walk, in 1809; at 1, New Boswell Court, in 1810; and afterwards at 49, Lincoln's Inn Fields, where,—being, on May 5th, 1815, called to the bar at the Inner Temple,—he both lived and practised during the rest of his life, dying there on September 8th, 1854.

Mr. Brodie was in a solicitor's office for twelve months, with an intention of becoming one, but he disliked the work, and became a pupil of Charles Butler. In consequence of that pupillage he became, in 1806, the draftsman of the Deed of Settlement of the Rock Life Assurance Company, which was afterwards considered the best model for similar instruments. Of this draft Mr. Robert Brodie has written the following story:—

Butler, having received instructions at the be-

ginning of the winter of 1805 to draw a deed for the Rock, gave them to Brodie, with a request that he would try to produce a deed better than any existing one. Butler told Brodie as time did not press he had better devote the entire winter to it. He remarked that all the precedents were bad, Duval's included, although that was the best. Upon perusing the deed Brodie had drawn Butler highly approved of it, and made no alterations. When it was put before the Directors, some of whom had heard that not Butler, but a former pupil, had drawn it, every clause save one was struck out. Butler, upon re-perusing the deed, put in red ink "*Stet*" against every clause. Thereupon the Board accepted the whole. The unrejected clause was the only one that did not work rightly. It related to the calculation of bonuses.

It was in consequence of one of Brodie's opinions that the suit of *Wright v. Wakeford* (17 Ves. 454) was instituted. The decision in it,—that a mere direction to make a deed under the hand and seal of a party attested required the attestation to express that the deed was signed as well as sealed by that party,—justified Brodie's opinion and occasioned Preston's Act, 54 Geo. III., c. 168, and s. 12 of Lord St. Leonards' Act, 22 & 23 Vict., c. 35.

In 1829 Brodie drew the Charter of King's College, London, having, in the previous year, been appointed one of the original Real Property Law Commissioners. He drew the parts of their 1st Report relating to

Fines and Recoveries ; of their 2nd Report, relating to Probate of Wills ; and of their 3rd Report, relating to Copyhold and Ancient Demesne. The preparation of those reports almost deprived him, for a time, of his private practice. Subsequently, he drew the Fines and Recoveries Act, 1833 (3 & 4 Wm. IV., c. 74), of which Lord St. Leonards, after commenting on it, wrote that he could not refrain from observing that his admiration of Mr. Brodie's performance had been increased by the attentive consideration he had then been compelled to bestow upon it. Hayes, in commenting on the Act, stated that he was responsible for s. 40 and for the express exclusion of the jurisdiction of equity ; that Mr. Bell, Q.C., took considerable interest in the Bill ; but that allowing for such casual assistance in matters of detail, the merit of the plan and execution of the statute belonged exclusively to Mr. Brodie.

In 1850 he published "A Treatise on a Tax on Successions to Real Estate as well as on Personal Property, and the Removal of the House Tax, as Substitutes for the Income Tax, and on Burdens on Land, and Restrictions on Commerce and Loans of Money."

On the abolition of the office of Masters in Chancery in 1852 Mr. Brodie was appointed by Lord Chancellor St. Leonards one of the first six Conveyancing Counsel of the Court of Chancery (15 & 16 Vict., c. 80, s. 41). The others were Coote (below, No. 5), Thomas Jarman Christie (below, No. 28), Hayes (below, No. 34), and Thomas Lewin.

Among Mr. Brodie's pupils were:—

Master Lynch.

Lord Justice Sir G. Giffard.

Sir George Jessel, Master of the Rolls.

The Right Hon. George Denman, late a Justice of the High Court.

Lord Lingen.

Hugh Law, Lord Chancellor of Ireland, 1881—1883.

Martin Farquhar Tupper.

George Harrison (below, No. 7).

R. H. Coote (below, No. 5).

Joshua Williams (below, No. 58).

A. Washington (below, No. 29).

G. T. Jenkins (below, No. 70).

The writer of a notice of Mr. Brodie, published shortly after his death in the *Law Review*, attributed his choice of conveyancing, rather than Court work, to an asthmatic affection from which he always suffered. The same writer said that Brodie's distinguishing character was his power of fixing his attention and keeping it fixed on any subject until he had examined all its parts from every point of view; that he had an extraordinary memory; that he did not make analyses of his drafts, but composed them as he dictated to his pupils; that he would never introduce more than one subject matter in the same clause; and that, though he was charged with prolixity, he inserted nothing but what he thought necessary, and strove to abridge. Once, a power to grant building leases, which he had drawn at much length and which had been found to work well in practice, was shortened by another eminent conveyancer to whom it had been given as a precedent; the abridged form proved

worthless. On making family arrangements, it is added, Brodie always insisted on the son being represented by a separate solicitor ; and of identification of parcels he remarked that it was too often left by counsel to the solicitors, and by them also neglected.

Lord Lingen writes :—" Nothing struck me more in Mr. Brodie than his extreme conscientiousness, and his artistic love of turning out his work completely finished. I had been used, at school and college, to see unlimited time given to the niceties of translation for its own sake. Mr. Brodie worked in the same spirit. Whether the case was great or small, if it presented any point of law about which he felt a possibility of doubt, or if there was any expression in his opinion, or draft, with which he was not entirely satisfied, he would not put it down until he had realised the absolutely just wording of what he intended. One of his practices was to keep in drawers a sorted collection of the clauses in most common use in settlements, etc. ; these, when he had drawn the operative parts of his drafts, could be ordered to be tacked to it ; but he always went over the whole again in order to make sure that the names and all the special alterations necessary were correctly introduced. The solicitors sometimes grew impatient ; but in the sense that he was a conveyancer too good for this world."

Mr. Brodie left several sons, the eldest, the Rev. Peter Bellinger Brodie, Vicar of Rowington, and Rector of Baddesley-Clinton, Warwickshire, a very

distinguished geologist, and author of "Fossil Insects on the Secondary Rocks" (Van Voorst, 1845). The Murchison Medal has been awarded to him. Another, Alexander Brodie, Esq., was very well acquainted, through his father, with many members of the Institute, and has contributed much interesting information to this series of memoirs. A third, Robert Brodie, Esq., was Senior Student and Tutor of Christ Church, Oxford, and is now Head Master of Archbishop Whitgift's school at Croydon.

Mr. Robert Brodie writes: "When my father married he lived in Boswell Court. There, as was the custom, his clerk waited at table. He was with my father up to the time of his death. He was taken ill at the funeral, and died the same night of cholera. He had the art of self-instruction, and became well educated. Law he had no love for, and never would try to acquire any knowledge of it." Lord Lingen adds: "His name was Ingpen; of which the old gentleman was rather proud, as old and local; though it sounds like a pun."

Brodie moved to Lincoln's Inn Fields in 1810. George Robbins told him when he bought the lease that he had acquired a "Rus in urbe."

[*Authorities*: Law Lists; Real Property Law Commissioners' Reports; Sugden's "Real Property Statutes," second edition, p. 239, *note*; Hayes' "Introduction to Conveyancing," fifth edition, p. 155, *note*; Letter from Mr. Alexander Brodie to Mr. M. G. Davidson, January 1893; and Memoranda by Mr. Robert Brodie; 21 *Law Review*, 348; Mr. A. P. Whately's Letter, June 8th, 1894.]

No. 3.

GEORGE MORLEY.

Elected 1815; died 1850.

MR. MORLEY'S name appears in the Law Lists as a certificated conveyancer of 24, Old Square, in 1811; of 14 and 24, Paper Buildings, in 1812 and 1813; and of Serle Street, Lincoln's Inn, in 1815. He was called to the bar at the Inner Temple on June 20th, 1817, and practised at 15, Serle Street.

Together with Mr. Coote (below, No. 5), Mr. Morley edited a third edition, published in 1819, of Watkins's "Principles of Conveyancing," and also the first part, Mr. Coventry editing the second, of the fifth edition, which was published in 1824. He was examined by the Real Property Commissioners of 1828 (1st Report, App. 349; 2nd Report, 341).

Mr. Morley lived at Michael's Place, Brompton, and died January 7th, 1850. His eldest son, George Hart Morley, barrister-at-law, had died July 27th, 1842.

[*Authorities*: Above-cited publications; Copies in Library of Incorporated Law Society of 3rd and 1st part of 5th and in Lincoln's Inn Library of 7th edition of Watkins; *Gentleman's Mag.*, March 1850; Boyle's Court Guide, 1841; Memorandum by Mr. Walters, June 1894.]

No. 4.

JOHN TYRRELL.

Elected 1815; died 1840.

MR. TYRRELL was the eldest son of Timothy Tyrrell, Esquire, the City Remembrancer, whose younger son, Edward, afterwards filled the same office, and furnished to the Real Property Law Commissioners an account, derived from the records of the City, of the law relating to the proof of wills before the establishment of the Ecclesiastical Courts. Mr. Tyrrell was educated at Eton, entered at Lincoln's Inn, and practised as a certificated conveyancer from 1812 to Michaelmas Term 1815, when he was called to the bar. He had chambers at 11, New Square, Lincoln's Inn; married Miss Diana Wyld, and died, without leaving issue, at Hampstead, on August 20th, 1840, being then described as of Lincoln's Inn and Kew.

Tyrrell was the first pupil of Sugden, afterwards Lord St. Leonards; "his school," wrote Lord Hatherley, "was that of Mr. Charles Butler, which had to a great degree discarded the mass of verbiage, still too great,

that defaced our conveyance of land." He gradually obtained a very large practice. For many years, embracing the period of the rebuilding of London Bridge and the formation of the streets leading to it, Tyrrell was conveyancing counsel to the City of London.

Mr. Tyrrell was examined by the first Real Property Commissioners of 1828, and his "Suggestions for the Improvement of some of the Laws relating to Real Property" were printed in the Appendix to the Commissioners' First Report. Tyrrell also printed the "Suggestions" privately in 8vo, and circulated them widely. There is a copy of that print in Lincoln's Inn Library. Afterwards, Tyrrell and Duval (below, No. 31) were added to the Commission. Its Fourth Report, relating to the law of wills, and also the statute founded on that report (1 Vict., c. 26), sometimes called Lord Langdale's Act, were mainly prepared by Tyrrell. Lord Langdale, who as Mr. Bickersteth took a prominent part in the promotion of the Bill, and Mr. Tyrrell circulated hundreds of copies of it among conveyancers and other lawyers, and it was examined by Select Committees of both Houses in 1834 and 1835. Tyrrell's work on and for the Commission is said to have lessened his practice and weakened his health.

Mr. Tyrrell also drew the Act for the Limitation of Actions relating to Real Property (3 & 4 Wm. IV., c. 27), probably doing so in concert with Lord Campbell, who, with reference to the Commission,

states that he had the subject of Prescription and Statutes of Limitation, and wrote the part of the First Report which related to Prescription, and that the statute 3 & 4 Wm. IV., c. 27 was "the result of" his labour. That Tyrrell was the draftsman, Mr. Burrows (below, No. 57) has no doubt; his opinion is confirmed by Lord Selborne, and Mr. Simpson, now a member of the Institute, recollects statements by Mr. Coulson (below, No. 33) to the like effect. Mr. Alexander Brodie, indeed, has an impression that Mr. Walters (below, No. 8) drew the Act, and it is not attributed to Mr. Tyrrell in the memoirs of him published in the *Legal Observer* and the *Law Magazine* soon after his death; but Mr. Burrows' clear recollection of what was the subject of frequent conversation when he was a pupil very soon after the Act was passed, confirmed as it is, leaves little room for doubting its accuracy.

Among Mr. Tyrrell's pupils was Mr. William Page Wood, afterwards Lord Hatherley, who wrote:—"In these chambers, with Mr. Tyrrell's careful assistance, I laid the foundation of all such knowledge of English law as I possess. It was Mr. Tyrrell's custom to attend his chambers regularly at 6.30 p.m., and to remain there often till midnight or one o'clock in the morning. He would take tea with such pupils as attended, and discuss any points of difficulty that arose in their examination of his papers, or would go through a course of reading and discuss the subject with them."

Lord Selborne writes that another of Tyrrell's pupils was the Hon. Edward Twisleton, afterwards a man of considerable distinction in letters, and (out of Parliament) in politics.

[*Authorities*: Law Lists; Real Property Commissioners' 1st Report, App. 308, 471—584; 2nd Report, 66; 4th Report, App. 93; Notes by Mr. S. J. Wilde; 18 *Legal Observer*, 418, 20 *Ib.* 449; 15 *Law Magazine*, 497, 24 *Ib.* 468; Hardy's "Life of Lord Langdale," Vol. I., pp. 383, 384, Vol. II., pp. 5, 6; Letter, June 28th, 1894, from the Earl of Selborne; MS. note by, and conversation with, Mr. Burrows (below, No. 57); "The Life of Lord Campbell," by the Hon. Mrs. Hardcastle, vol. i., 458, 459; "The Life of Lord Hatherley," vol. i., 49, 159.]

No. 5.

RICHARD HOLMES COOTE.

*Elected 1815; died 1862.**First Secretary of the Institute 1815—1830.*

MR. COOTE, the eldest son of Richard Coote, of Arundel, Sussex, merchant, and born in the year 1786, was educated at the Grammar School at Midhurst, Sussex. He was for a short time a clerk in the Customs, was admitted as a student of Lincoln's Inn April 6th, 1808, and was a pupil first of Mr. P. B. Brodie (above, No. 2), and afterwards of Mr. Charles Butler. In 1812 he was practising as a certificated conveyancer at 11, New Square; and in November 1816 he was called to the Bar at Lincoln's Inn.

Mr. Burrows (below, No. 57) reports a tradition that Coote was the organiser of the Institute.

Mr. Coote was examined by the Real Property Commissioners of 1828 (1st Report, App. 337), and communicated to them a paper upon Wills (4th Report, App. 98). In 1814 he had published "An Analysis of Fearn's 'Contingent Remainders'"; and in 1819 and 1824, in co-operation with Mr. Morley (above, No. 3), he annotated a third and the first part of the fifth edition of Watkins's "Conveyancing."

The first edition of his celebrated "Treatise on Mortgages" appeared in 1821, the second in 1837, and the third, in which he was assisted by Mr. Richard Coote, in 1850. The fourth and fifth editions were edited by Mr. Mackeson, and published in 1880 and 1884 respectively. In 1840 Mr. Coote published "A Treatise on the Law of Landlord and Tenant."

In 1852 Mr. Coote was appointed by Lord Chancellor St. Leonards as one of the first six Conveyancing Counsel of the Court of Chancery (see above, p. 4).

Mr. Coote died in 1862, and was buried at Frant.

There is a story of his clerk having disappeared, and not being heard of for several years. One day, on coming to chambers, Coote found the man sitting on his accustomed stool, and at work as formerly. He had enlisted, served through the Crimean War, and obtained his discharge. Coote took him on again.

[*Authorities:* Law Lists; Lincoln's Inn Library Catalogue; Notes furnished by Mr. Burrows (below, No. 57), Mr. Alexander Brodie and Mr. C. L. Coote, a grandson of Mr. Coote, and note by Mr. M. G. Davidson.]

No. 6.

TOMKYNS

Elected 1815.

IN the Law List of 1815 there appears, among the names of barristers, certificated conveyancers, and pleaders, undistinguished from each other, that of "Tomkyns," without any Christian name, and as of 16, Mitre Court Buildings ; and in the Law List for 1829, but not afterwards, there is named Thomas Tomkyns, of 9, New Square, Certificated Conveyancer.

No. 7.

GEORGE HARRISON.

Elected 1815; Retired 1829.

MR. HARRISON, born in the City of London in 1790, was the only son of George Harrison and his wife Susanna, youngest daughter of William Cookworthy, of Plymouth, all members of the Society of Friends. He was educated by John Dawson, the Apothecary and Mathematician, of Sedbergh, who coached thirteen Senior Wranglers. Of them one was George Harrison's cousin and brother-in-law, Thomas Harrison, a barrister, who became private secretary to H.R.H. the Duke of Gloucester. The late Professor Adam Sedgwick was a schoolfellow and life-long friend of Mr. G. Harrison.

Mr. Harrison became a pupil of Mr. P. B. Brodie (above, No. 2), and he used to say that of all the preceptors he had had, lay and clerical, "the men of the highest moral principle were John Dawson, the mathematical apothecary, and Peter Brodie, the lawyer." In 1813 he was an active member of the Forensic Society. From the beginning of 1814 he practised as a certificated conveyancer, and with such success, that in his third year he earned more than £600, and in 1818 more than £800. In Hilary Term

of that year he was called to the bar at the Middle Temple, but his chambers were in Lincoln's Inn; from 1814 to 1824 at 8, New Square; and afterwards, until 1836, at 6, Stone Buildings. He "soon acquired great reputation for the vigour, perspicuity, and (according to the standard of his time) conciseness of drawing, as well as the sound learning of his opinions, of which a distinguished characteristic was (what is so often wanting in the opinions of many learned men) decision." Lord Eldon is reported to have said: "If you want a sound opinion and an honest opinion, I know no one who can give it better than Mr. George Harrison."

In his younger days he was robbed by a clerk of a considerable amount of fees, through the practice of letting them accumulate and be paid at the solicitor's convenience. He appealed to the Profession to return and adhere to the old practice of requiring the fees to be paid on taking the papers. That failing, he adopted the practice himself, and adhered to it without losing any important client.

Among Mr. Harrison's pupils, eighty-two in all, were:—

Mr. John Musgrove, son of Sir Richard Musgrove, of Cappelquin, co. Waterford.

Mr. F. D. Massy Dawson.

Dr. Gayer.

Judge Dobbs.

Sir Richard Malins, V.C. (below, No. 74).

Sir Bowdler Clerk, Solicitor-General of Barbadoes.

Mr. Gilbert Henderson, Recorder of Liverpool.

Mr. Russell Gurney, Q.C., Recorder of London.

Mr. Hinde Palmer, Q.C.

Mr. John Shapter, Q.C.

Sir John Shaw-Lefevre (below, No. 23).

Mr. J. Drinkwater Bethune.

Mr. Thomas Flower Ellis, Recorder of Leeds.

Mr. John Hodgkin (below, No. 20).

Mr. Walter Henry Burton, Author of the "Compendium."

Mr. William Plunkett.

And three who took Holy Orders :—

The Rev. C. Hampden Gurney.

The Rev. C. E. Kennaway, afterwards a Canon of Gloucester.

Dean Verschoyle.

After, in 1826, going to live at Highgate, Mr. Harrison only attended at chambers for consultations. Much of his practice and his large class of pupils were thus transferred to one of them, William Plunkett, who in 1844 sank under the burden of the business he acquired. With his life Harrison's career at the bar well-nigh terminated, though he continued to undertake the occasional business of old clients.

He was one of the Conveyancers examined by the Real Property Commissioners, to whom he communicated a Swedish Ordinance on Registration.

In 1813 Mr. Harrison married Mary Coleman. They lived, first, at 6, Skinner's Place, Paddington New Road; moved, in 1818, to Well Walk, Hampstead; in 1826 to Highgate Hill; and in 1840 to the Vale of Cartmel, where Mr. Harrison died on October 11th, 1859. He had several children, and Mr. Frederick

Harrison, now General Manager of the London and North Western Railway, is his descendant.

Mr. Harrison was a member of the Society of Friends, probably the first member of it who was called to the Bar. He published an Abridgment of Barclay's "Apology," but his theology is said to have been that of Swedenborg. In habit he was extremely punctual—breakfasted regularly at 7 a.m., and went to bed at 10 p.m. He was a good Greek, Latin, and English scholar, and well acquainted with the United Kingdom, taking a good yearly holiday, but he did not travel abroad.

[*Authorities*: Materials furnished by Mr. Theodore Compton, of Winscomb, Somerset (who married Mr. Harrison's youngest daughter), in a Letter June 20th, 1893; Law Lists; The Real Property Commissioners' 1st Report, 386; 2nd Report, App. 159, 466; *Furist* newspaper, October 22nd, 1859.]

No. 8.

ROBERT WALTERS.

Elected 1815 ; died 1843.

MR. WALTERS, born in Guernsey, January 9th, 1788, was the eldest son of Robert Walters, M.D., formerly Inspector of Military Hospitals in India, and from 1794 Surgeon to the Forces in Guernsey, and of Susannah, his wife, daughter of John Maingay, Esq., of Guernsey.

Mr. Walters was educated at Dr. Lemprière's school at Abingdon, and articled to Messrs. Forster, Cooke, & Frere, 6, New Square, Lincoln's Inn, predecessors of Messrs. Frere, Forster, & Co., 28, Lincoln's Inn Fields. A fellow-clerk was Mr. James Robinson Hayward, afterwards of the firm of Dorrington, Hayward, & Ellicombe, Parliamentary Agents, 16, Parliament Street, whose elder sister, Catherine Delicia, a daughter of J. R. Hayward, Rector of Harrietsham, Kent, and St. Mary-le-Strand, Mr. Walters married at St. Giles-in-the-Fields, September 28th, 1824. They lived at 30, Lincoln's Inn Fields, where five children were born, and Mrs. Walters died May 14th, 1832.

Mr. Walters was a pupil of Charles Butler, was admitted at the Inner Temple, November 11th, 1811,

called there on June 20th, 1817, and was also a member of Lincoln's Inn.

He applied himself unceasingly to the practice of his profession, seldom, if ever, taking a holiday for more than two or three days together. Sir Henry Seton was one of his intimate friends; and among his pupils were:—

The Earl of Selborne.

Sir George Grey.

Lord Hobhouse.

Martin Farquhar Tupper, in whose "Autobiography" is an allusion to Mr. Walters.

Arthur Henry Hallam, the historian's son and the subject of Tennyson's "In Memoriam." In A. H. Hallam's "Remains" is a mention of Walters.

Sir John Wickens, V.C.

The Right Hon. Spencer Walpole.

George De Morgan (below, No. 64).

Lord Selborne, writing of Mr. Walters, calls him his first instructor in the law. "He made me read through the whole of Cruise's Digest, in the Long Vacation of 1835, by way of preparation for his pupil room: a strong order, I think, for a young man who till then knew nothing of law; but it was done, and I had never any reason to think the time lost."

Mr. Walters was the author of two pamphlets:—

"A Letter to the Lord Chancellor of Great Britain" (Lord Lyndhurst) "on the Administration of the Laws of Real Property," not published, but printed by J. F. Dove, St. John's Square. (1829.)

"A Letter to the Commissioners for Inquiring into

the Laws of Real Property, containing Observations in favour of the Establishment of a General Register." (J. & W. T. Clarke, Portugal Street, Lincoln's Inn Fields.)

On December 22nd, 1840, Mr. Walters married SECONDLY Ann, eldest daughter of Sir Patrick Macgregor, Bart., by whom he had no issue, and who died February 21st, 1843. On the 23rd of the following July Mr. Walters died at his house, 3, North Bank, Regent's Park.

Of his five children, his eldest daughter and his younger son, Robert Walters, Esq., of Ware Priory, Herts, still (July 1894) survive.

Mr. Robert Walters still has some of his father's as well as some of Butler's precedents.

[*Authorities*: A Paper furnished by Robert Walters, Esq.; Letter from the Earl of Selborne, June 28th, 1894.]

No. 9.

SAMUEL FRANCIS THOMAS WILDE.

Elected 1817; died 1862.

MR. WILDE was called at the Inner Temple February 10th, 1815; had chambers in that year at 1, Elm Court, Temple, and in 1817 at 9, New Square, Lincoln's Inn. On his marriage he moved to 5, Serjeants' Inn, Fleet Street, and in 1842 to 10, in the same Inn. The last-named chambers are still occupied by Mr. Wilde's son, Mr. S. J. Wilde, now (July 1894) the senior member of the Institute, and had been occupied by Erskine, who, after Horne Tooke's trial in 1791, was drawn thither in his carriage by the people, whom he addressed from his staircase window.

Mrs. Wilde was a sister of the Rev. William Henry Rowlatt, for many years Reader in the Temple Church.

Mr. Wilde was the author of the first and second volumes of the "Supplement to 'Barton's Conveyancing,'" second edition, published in 1826, and co-editor of part of the work itself. He had a large practice in parliamentary drafting, and the preparation of deeds of settlement of companies. He was also a clerk in the Office of Receipt of Exchequer,

and on the death of Lord Bathurst became one of the four Tellers.

Mr. S. J. Wilde writes of his father :—

“He gave the first lecture on the ‘Law of Real Property’ on the opening of the Law Institution, and continued to lecture for the following nine years.

“At the time of the passing of the Municipal Corporations Act in 1835 he was in constant communication with the Duke of Wellington and the other leading Tory peers as to the action to be taken by that party on the Bill, and it was in consequence of his advice that the office of Alderman was retained, contrary to the original intention of the leaders of the party.

“It was at one time proposed by the then Government that the Court of Common Pleas should be made the court for real property, and that a certain number of conveyancers should be made serjeants, with liberty to retain the privilege of settling drafts and taking pupils, but to be under an obligation to appear in the court at least three days in the week. Owing, however, mainly to the objection of Mr. Brodie and Mr. Wilde to be made serjeants, the scheme fell through.

“My grandfather, Samuel Wilde, was a near relation, but *not* a lineal descendant of Justice Wilde of the time of Charles II., whose portrait, now in one of the chambers of the Guildhall, was painted by order of the city in consequence of the part he

took in deciding questions of ownership of land after the great fire.

“If my father had been made a serjeant, as before mentioned, history would have upheld itself in this way. At the time of the Commonwealth there were two Serjeant Wildes, one a Roundhead, the other a Cavalier, afterwards made the judge. In the time of King William IV. there would have been also two serjeants—viz., Serjeant Wilde, afterwards Lord Truro, a Whig, and my father, a Tory.

“The Tellers were appointed by the King personally, and it was very common if a man was asked to be Prime Minister for him to stipulate with the King that the reversion to one of the four Tellerships should be at once given to his son or other friend. My father would not have had the office of Teller given to him, but that by an Act of Parliament the office was to be abolished in a short time, and yet it was necessary to have all four Tellers in the meantime. It was arranged that my father was only to have the same pension as he would be entitled to as Deputy Teller, or rather as Chief Clerk, for the office of Deputy carried no salary, but his salary was paid to him as Chief Clerk.”

Authorities : Mr. S. J. Wilde's Letter of April 14th, 1892, and Memorandum of 1894 ; Law Lists ; Barton's "Conveyancing," second edition.]

No. 10.

LLOYD WILLIAMS

Elected 1818.

THIS gentleman was presumably ISAAC LLOYD WILLIAMS, who appears in the Law Lists for 1819 and 1842 to 1848 as of 8, New Square, Conveyancer, and as having been called at the Inner Temple May 28th, 1802.

NO. 11.

HENRY EGERTON.

*Elected 1819; died 1861.**Second Secretary of the Institute 1830—1861.*

MR. EGERTON was called at Lincoln's Inn in June 1815, and had chambers at 6, Old Square. He is said to have been entitled to the Earldom of Bridgewater,—the last holder of which title and the founder of the "Bridgewater Treatises" died in 1829,—but to have lacked evidence of the existence of one link in his pedigree.

Mr. Egerton was a son of the Rev. Charles Egerton, resided at Hanover Terrace, Regent's Park, Middlesex, and married, FIRST, at Charing, September 14th, 1815, Mary, eldest daughter of the Rev. George Sayer, of Pett, in the county of Kent, and Rector of Eggescliff, in the county of Durham, who died July 6th, 1854, at Charing; and SECONDLY, August 4th, 1859, Anne, daughter of the Rev. Cyprian Thompson, Vicar of St. Paul's, Fazeley, in Staffordshire, and sister of the late Mr. Joshua Williams's (below, No. 58) third wife. She died August 3rd, 1872, and was also buried at Charing.

Mr. Egerton died without issue, January 24th, 1861, and was buried at Charing.

[*Authorities* : Law Lists ; Letters by Mr. P. Gregory, and a Note written to him by Mr. Sayer ; Harris's " Historic Peerage," by Courthope.]

NO. 12.

FRANCIS TURNER.

Elected 1823; retired 1857.

MR. TURNER was born January 20th, 1785, and was called to the Bar at the Inner Temple in Michaelmas Term 1810. From that time to his death, in December 1864, he practised as a conveyancer. He was elected a Bencher of his Inn in 1848, and ten years later served the office of Treasurer. His family had been settled for several centuries at Mulbarton, in Norfolk, where they owned the manor and considerable property. Through his mother, Elizabeth Rede, he was lineally descended from William Paston, an eminent Judge of the Common Pleas in the reign of Henry VI., and from Chief Justice Coke. So that, as Palmer, the historian of Great Yarmouth, remarks of his younger brother, Sir George Turner, he had good legal blood in his veins.

Mr. Turner was the second son of the Rev. Richard Turner, Vicar or Perpetual Curate of Great Yarmouth, who, in accordance with the custom of the period, held at the same time several other benefices in his native county of Norfolk. Mr. Turner was originally intended for a solicitor, and commenced his legal education in the office of his mother's brother, a

solicitor practising at Beccles; but, having shown very marked ability, his father determined to send him to the Bar, and he became a pupil in the chambers of Richard Preston, then in the height of his distinction as a legal writer and real property lawyer. Mr. Preston soon discovered his pupil's talents, and always spoke in high terms of his attainments and capacity. When he retired from practice, many years later, he offered his chambers in Lincoln's Inn to Mr. Turner, who continued to occupy them till his death.

Owing, perhaps, to the opinion of him expressed by Mr. Preston, and probably still more to the possession of a considerable East-country connection, Mr. Turner very early acquired an extensive practice. He became specially known as a copyhold lawyer, and the reputation he enjoyed in this respect brought him a great many cases. The position he held as steward of the manors of the Dean and Chapter of Norwich, who were the owners of a large number of manors in the Eastern Counties, may have induced him to devote special attention to this branch of legal learning. The office, which he was always compelled to serve by deputy, had, shortly after his call to the Bar, been conferred upon him by his uncle, Dr. Richard Turner, who, after being Senior Wrangler and tutor to Pitt at Cambridge, became Master of Pembroke College in that University, and was appointed by that statesman Dean of Norwich.

Pupils, as well as clients, soon found their way to

Mr. Turner's chambers, and probably very few conveyancers have had a larger number of the former. For many years twelve was the limit to which he was understood to confine himself, though this was not infrequently exceeded. In both branches of the profession many of his pupils, and amongst them his younger brother George (who became Vice-Chancellor and Lord Justice) and Lord Justice Baggallay, rose to eminence ; but, amongst all the men he had assisted in training, Mr. Turner always considered Edward Jacob, also a Senior Wrangler, and in his day one of the best known of Equity lawyers, as the most distinguished, and regarded his early death as a loss to be greatly regretted.

The opinions given by Mr. Turner were remarkable for clearness and decision, and, when tested by an appeal to the Courts, were generally upheld. As a draftsman the documents he settled were models of arrangement and clearness and accuracy of expression. He considered no pains or labour too great to render his work perfect.

At one time of his life Mr. Turner had a considerable share of Government work. In conjunction with the late Mr. John Tidd Pratt he settled the New Poor Law Act, 4 & 5 Wm. IV., c. 76. At a later period, during the early days of the construction of the railways, he acted as conveyancing counsel to the Great Western and several other Companies, and this connection brought him a large amount of practice.

It may be added that in politics Mr. Turner was

a Tory of the school of Lord Eldon, and opposed to change. He was, however, too practical and enlightened not to appreciate the alterations in the law of real property which occurred in the later part of his life, and certainly would not have contended that a recovery was preferable to a disentailing assurance under the statute, or that the assignment of satisfied terms was a practice which ought to have been maintained. But, at the same time, he thought that the old system was more defensible than is generally supposed, and that the advantages of many of the changes introduced after the passing of the Reform Bill have been exaggerated. The fact that most of these changes were promoted and carried by a Whig Government did not predispose him in their favour. But, notwithstanding his strong political feeling, he was one of the most genial and kind-hearted of men, and generally liked and esteemed by his professional brethren. Amongst the conveyancers of his day his most intimate friends were Peter Erle (below, No. 19), the first Chief of the Charity Commission; Walter Coulson (below, No. 33), for many years Parliamentary Counsel to the Home Office; Henry Egerton (above, No. 11); William Twopenny (below, No. 25); Richard Coote (above, No. 5); and Samuel Turner (below, No. 13).

Mr. Turner married the daughter of a Norfolk solicitor of good standing, and had a numerous family; and afforded another instance of the truth of his ancestor, Sir Edward Coke's, quaint remark, that "it is observed for a special blessing of Almighty God that

a few or none of that [the legal] profession die *intestatus et improles* without will and without child."

Both the Lord Justice, Sir George James Turner, and Mr. Charles Turner, a Master in the Queen's Bench Court, were brothers of Mr. Turner. The Chambers which Mr. Turner occupied at 7, New Square, after Mr. Preston, as above mentioned, and which still belong to Mr. Preston's family, are said to have been occupied previously by Mr. Fearn, as they have been since Mr. Turner's death by his son-in-law, Mr. E. R. J. Howe, now [A.D. 1894] one of the senior members of the Institute.

[The foregoing account of Mr. Turner, except the last paragraph, has been written for this collection by Mr. E. R. J. Howe. The authorities for the last paragraph are a Letter from Mr. Bridges Harvey, a former pupil of Mr. Turner, and Mr. Howe in conversation.]

No. 13.

SAMUEL TURNER.

*Elected 1824; retired and made Hon. Member 1872.**Third Secretary of the Institute 1861—1870.*

MR. TURNER was educated as a solicitor, but became a certificated conveyancer in 1814, and was called at Gray's Inn on April 22nd, 1818. He resided at 5, Raymond Buildings, Gray's Inn, and practised at No. 9, and from 1815 at No. 4, Gray's Inn Square. He was a pupil of Sanders, the author of the "Treatise on Uses." Answers by him to questions of the Real Property Commissioners appear in the Appendix to their 1st Report, pp. 161—167, and in that to their 2nd Report, p. 349.

Mr. Turner succeeded to a considerable family estate in Buckinghamshire, but continued in practice. Though of a very retiring disposition he was famous for his hospitality to lawyers. He had a large practice, and many pupils, including among them:—

*Mr. W. Clayton Clayton.**Mr. John Warner.**Mr. Justice Manisty.**Mr. Lewin Taverner* (below, No. 49).*Mr. Arthur Burrows*, now (1894) the senior Conveyancing Counsel of the Court, and Hon. Member of the Institute.

Mr. M. H. Prance (below, No. 48).

Mr. George Druce, Q.C.

Judge Bagshaw.

Mr. Turner was elected a Bencher of Gray's Inn in or about 1841, and to that Honourable Society he gave for its chapel three windows, representing respectively—Christ in the Temple in the midst of the Doctors; Christ in the act of delivering the Sermon on the Mount; and the Ascension. He died in 1873.

[*Authorities*: Law Lists; Mr. Alexander Brodie's Letter to Mr. M. G. Davidson, January 27th, 1893; Letter from Mr. Robert Walters, June 21st, 1894; "Gray's Inn: Its History and Associations," by W. R. Dowthwaite; Mr. Burrows in Letter, June 18th, 1894, and in conversation.]

No. 14.

JOSEPH HUMPHRY.

Elected 1825; retired 1850.

MR. HUMPHRY, second son of Joseph Humphry, was born in 1795 or 1796 at Sudbury, in Suffolk. He was educated at Dedham School, in Essex, and was called to the bar at Lincoln's Inn on July 6th, 1821. He practised as a conveyancer in chambers, at 4, New Square, which afterwards belonged to, and were occupied, by his nephew, the late Mr. Joseph Thomas Humphry, whose son, Mr. Hugh McNab Humphry, still occupies them.

Mr. Humphry was a great friend of Mr. Brodie (above, No. 2), and among his numerous pupils were:—

Hon. John Anthony Ashley (below, No. 37).

John Thomson.

William Gilson Humphry, who subsequently took Holy Orders, and was Vicar of St. Martin's-in-the-Fields, and author of a well-known treatise on the Acts of the Apostles.

In 1846 Mr. Humphry was made a Queen's Counsel and a Bencher of Lincoln's Inn, and on November 28th, 1850, he was appointed by his old friend, Lord Truro, a Master in Ordinary in Chancery.

The appointment of Mr. Humphry was the last

made to that ancient office, which in the Chancellorship of Lord St. Leonards was abolished, subject to the performance by some of the then existing Masters of their old functions in winding up pending business. The office, and Master Humphry's name as one of its chief functionaries, appears in the Law List so late as 1860. On August 8th in that year he retired. A member of the order, Master Hett, whose name appears as that of a Master in the Law List for 1790, had placed in their office, which at the time of their abolition was at No. 25, Southampton Buildings, and presented to the Masters, a clock. When the last members of this subordinate judiciary were released from their duties, one of their final decisions appears to have been that Master Hett's gift was "Master Humphry's Clock," and ought to belong to their junior member. It still adorns a staircase in Mr. H. M. Humphry's chambers.

Master Humphry, who never married, lived during the latter part of his life at Elm Bank, Barnes, Surrey, and died at Brighton on December 18th, 1861, æt. 70.

[*Authorities*: Law Lists; 11 Hare's "Reports," Preface, p. xiii., *note*; Stat. 15 & 16 Vict., c. 80; Information given by Mr. Hugh M. Humphry; F. Boase's "Modern English Biography," vol. i., 1892.]

No. 15.

HENRY CHANCE.

Elected 1825; retired 1856.

MR. CHANCE, youngest son of William Chance, of Birmingham, by Sarah, daughter of Mr. Lucas, of Bristol, was born at Newhall Street, Birmingham, in 1794. He was educated at Sutton Coldfield Grammar School, became a pupil of Mr. Brodie (above, No. 2), was a certificated conveyancer in 1819, was called at Lincoln's Inn May 21st, 1824, and practised as a conveyancer at 43, Lincoln's Inn Fields. In 1866 he retired on account of failing sight, and died at his residence, 7, North Villas, Camden Square, February 16th, 1876. Mr. Chance left no issue, and was buried at Highgate Cemetery.

Mr. Brodie is said to have considered Chance the best draftsman he ever had, and, having recommended him to Duval as a devil, Duval stuttered, "Chance's drafting is magnificent." He is said to have been very proud of it, and to have paid indignant visits to fellow-members of the Institute who had invariably spoilt, as he thought, by alterations the beauty of his drafts.

Mr. Chance answered questions asked by the Real Property Commissioners (1st Report, App. 179;

2nd Report, App. 280). His well-known "Treatise on Powers, with a Supplement," which he dedicated to Duval, was published in 1831, and the Supplement in 1841. The two have been issued together, with a title-page bearing the latter date. Sir John Rolt was reported to have said he got more arguments from it than from any other book. A second edition does not, however, appear to have been demanded, and after Mr. Chance's death the remainder of the stock was sold, and copies, bound in cloth, were retailed at 3s. 6d. each.

[*Authorities*: Law Lists; Real Property Commissioners' Reports; "Memoir" in *Law Times* newspaper, March 1876; Mr. Alexander Brodie's Letter to Mr. M. G. Davidson, of January 27th, 1893; F. Boase's "Modern English Biography"; Note by Mr. M. G. Davidson on his Proof; the compiler's recollection.]

No. 16.

HENRY WATERLAND MANDER.

Elected 1827.

MR. MANDER, the eldest son of James Mander, was born at Bakewell, Derbyshire, on March 17th, 1786, and was educated at private schools in Derbyshire and elsewhere. He came to London, and became a pupil, and a favourite one, of Mr. Silverlock, and began practice as a certificated conveyancer in 1810 or 1811 at 2, Fig Tree Court, Temple. On February 7th, 1817, he was called to the bar at the Middle Temple, and continued to practise as a conveyancer in Chambers, which he afterwards purchased from the Hon. George Lamb, at 7, New Square, Lincoln's Inn. He inherited much of Mr. Silverlock's practice, and had a large one of his own, and his chambers were much sought after by pupils.

Mr. Mander married Margaret, the eldest daughter of Charles Cookney, Esq. He had five sons, of whom Mr. Henry Waterland Mander, jun., and Mr. James Charles Mander, called in 1847 and 1854 respectively, were two; another is Mr. Charles John Mander, of 9, New Square, Lincoln's Inn, Solicitor; and the other two are now Colonels in H.M.'s Indian Army.

Mr. Mander lived in Tavistock Square, afterwards in Ladbroke Square, Notting Hill, and subsequently at 25, Redcliffe Gardens, where he died on August 25th, 1869.

[*Authorities:* Law Lists, and information communicated by Mr. Charles John Mander.]

No. 17.

AARON HURRILL.

Elected in 1828.

MR. HURRILL appears to have been a certificated conveyancer from the year 1816, to have been called at Lincoln's Inn, May 25th, 1821, and to have practised—first at 25, Old Square, Lincoln's Inn, and afterwards at 7, South Square, Gray's Inn, as a conveyancer. His name appears in the Law Lists until 1872, but not later, and in and after 1846 without an address.

He was with Senior (below, No. 18), one of Sugden's pupils, and a member of a small debating club, of which the records, contained in a folio volume preserved by another member,—the late Mr. Tomlinson, of the Northern Circuit, and father of the present Member of Parliament for Preston,—are now in the possession of Mr. C. T. Simpson, one of the present members of the Institute.

When, in 1816, Sugden quitted his position as a conveyancer, and betook himself to Chancery practice, Hurrill, then a certificated conveyancer, divided with Senior a part of Sugden's business.

[*Authorities:* Law Lists; above-mentioned MS. record, and a MS. "Reminiscences of Mr. Senior," by Mr. Tomlinson, in Mr. Simpson's possession.]

NO. 18.

NASSAU WILLIAM SENIOR.

Elected 1828; Honorary Member 1837; died 1864.

MR. SENIOR was born at Compton Beauchamp, Berks, in 1790, in the house now (1894) occupied by Sir James Bacon, and was the eldest son of the Rev. John Raven Senior, then Rector of that parish.

The family of Senior was of Spanish extraction. Its first English member, Aaron Señor, the great-grandfather of the subject of this memoir, was naturalised here in 1723. Mr. Senior was educated at Eton and Magdalen College, Oxford, where he matriculated in 1807, obtained a 1st class in *Lit. Hum.*, 1811; B.A., 1812; M.A., 1815; Fellow of Magdalen, 1812—1821; Vinerian Scholar, 1813—1821.

On the foundation in Oxford in the year 1825, by the late Mr. Henry Drummond, M.P., of the Professorship of Political Economy, Mr. Senior was elected to it. On his resignation in 1830 he was succeeded by his friend, Dr. Whately, soon afterwards made Archbishop of Dublin, and on the resignation of the Professorship by Travers Twiss in 1847 Senior was re-elected to the post, and held it till 1852.

Mr. Senior was a member of several Royal Commissions: the Poor Law Commissions of 1832, 1847,

and 1858—1861, the Hand Loom Weavers' Commission of 1841, and the National Education Commission of 1860.

On November 19th, 1810, Mr. Senior became a member of Lincoln's Inn, and early in 1812 he came to London. In the following year he entered the Chambers of his only legal instructor, Lord St. Leonards, then Mr. Sugden, of whom he became a life-long friend. He worked sedulously at law, began practice as a certificated conveyancer in 1816 or 1817, was called to the bar June 28th, 1819, and when Sugden abandoned conveyancing Senior succeeded to much of that part of his practice. He was one of the barristers examined by the Real Property Commissioners of 1828, and he earned as a conveyancer a considerable income; but his delicate throat and weak voice cut him off from the more brilliant and lucrative branches of the profession. On June 10th, 1836, Lord Cottenham appointed him to be one of the Masters in Chancery.

Among Senior's pupils were:—

Lord Romilly, late Master of the Rolls.

Charles Pelham Villiers, now (1894) father of the House of Commons.

Edward Denison, who, after being called to the bar, took Holy Orders, and ultimately became Bishop of Salisbury.

R. G. C. Fane, afterwards one of the London Bankruptcy Commissioners.

Richard Ford, the author of the "Handbook of Spain."

Walter Coulson (below, No. 33).

Thomas Jodrell-Phillips (afterwards *Phillips-Jodrell*), author of "Phillips's Chancery Reports."

But while the law was to Senior principally the means of securing pecuniary independence, the condition of the poor, political economy, the state of education, and general politics, deeply engaged his attention. When he was twenty-five he resolved to reform the English poor law. His early life in his father's parsonage had shown him the rapid road to ruin which the course of public charity was taking. In 1830, at the request of Lord Melbourne, then Home Secretary, he inquired into the subject of combinations and strikes, and made a report, of which the substance may be found in the second volume of his "Historical and Philosophical Essays" (Longman, 1865). He was the leading member of the Poor Law Commission of 1833 and drew up its Report. That report has been ordered to be reprinted on several occasions, and on its recommendation the celebrated New Poor Law of 1834 was founded.

In reward for those services Mr. Senior was offered, but he refused, £500 and a knighthood. He was afterwards offered the post of Legal member of the Council of the Governor-General of India, and a Canadian Governorship.

Upon his daughter's complaining that he would not have the credit of some measure he had suggested, he replied that, provided good measures were passed, anybody who liked might have the credit of them. He was able, therefore, to steer clear of party obligations, though he was a consistent Liberal, as Liberalism was then understood.

Mr. Senior's reputation as a political economist became established on the Continent early in his life. In 1833 a young man entered his chambers without introduction, and said, "Je suis Alexis de Tocqueville, et je viens faire votre connaissance," so beginning an intimacy which continued until his death. In 1836 also the great Italian statesman, Camille Cavour—at that time unknown to fame—first visited London, and became one of Senior's intimate friends. In a recently published volume ("Le Comte Cavour et La Comtesse de Circourt Lettres Inédites, Turin—Rome, 1894," p. 55), a letter by Cavour, written in February 1844, refers to an article on Ireland in the *Edinburgh Review* for the preceding month, adding: "Il est d'un de mes amis, Mr. Senior, l'esprit le plus éclairé de la Grande Bretagne. C'est l'économiste par excellence d'outre Manche." He was for some years before his death a Membre Correspondant de l'Institut de France (Académie des Sciences Morales et Politiques).

Early in life Senior began to form for himself a society of young friends, most of whom afterwards became known to fame; and throughout life he moved in and collected around him a social circle distinguished in almost every line of life, but chiefly literary and political. He was equally ready to talk and to listen. Soon after his marriage in 1821 he built on a piece of land opposite Hyde Park the house—13, Hyde Park Gate, Kensington Gore—in which he lived to the end of his life. Sidney Smith called it the Chapel-of-Ease to Lansdown House.

From an early period of his life Mr. Senior spent many of his vacations, and in later years still more of his time, on the Continent, having access in every capital to the leading personages of the time. In 1859 he engaged his passage to America, but was prevented from going by an attack of illness. Being in Paris in May 1848, he was present at the attack in that month on the Assembly, and his interest in what he heard and saw led him to keep a journal destined to be the first of a celebrated series. This journal and its successors were copied and eagerly read by his friends at home, and after his death they were published by his daughter, Mrs. Simpson. They were leading books of the seasons in which they appeared, and are volumes of very high permanent interest,—containing material for history.

Mr. Senior's only son, Nassau John, married a sister of Mr. Thomas Hughes, the author of "Tom Brown's School Days"—a lady well known for her devotion to the cause of the poor and friendless, and also for her great accomplishments and social charm. His only daughter, Mary Charlotte Mair, married Mr. C. T. Simpson, now a member of the Institute.

Mr. Senior died at 13, Hyde Park Gate, on June 4th, 1864.

Mr. Senior published numerous lectures and pamphlets on subjects connected with Political Economy. He was also a frequent contributor to the *Edinburgh* and *Quarterly Reviews*, and other periodicals.

His published writings are too numerous to specify here. A list of them may be found in Allibone's "Dictionary of British and American Authors," 1878, under Mr. Senior's name, and in the Supplement, 1891, under the name of Mrs. M. C. M. Simpson. Among them are works on Political Economy, Provision for the Poor in England, Ireland, and Abroad, Commutation of Tithes, Provision for the Irish (Roman) Catholic Clergy, Factory Legislation, American Slavery, Popular Education, besides Biographical Sketches and Essays on Fiction and Historical and Philosophical Subjects, and the thirteen volumes of journals kept in Turkey, Greece, Ireland, France, Italy, Egypt, and Malta, and of Correspondence and Conversations with Thiers, Guizot, de Tocqueville, and many other eminent persons.

[*Authorities*: Unpublished Memoranda by Mrs. Simpson; a notice chiefly by her in the Register of Magdalen College, Oxford; another by Miss Thackeray in the *Cornhill Magazine* for August 1864; an article in the *Economist* for June 18th, 1864; Law Lists. The above compilation has been revised by Mr. Simpson. A Memoir of Mr. Senior may be expected to appear in due course in "The Dictionary of National Biography."]

No. 19.

PETER ERLE.

Elected 1828; retired 1851.

MR. ERLE, the fourth son of the Rev. Christopher Erle, of Gillingham, Dorset, and a brother of the Lord Chief Justice Erle, was born in 1795. He matriculated at Oxford in 1812; was a Fellow and Student, and afterwards Steward, of New College, 1812—1825; graduated B.A. 1816, M.A. 1821, and was called at the Middle Temple June 21st, 1821. He appears to have practised at 2, New Square, as a conveyancer.

With Mr. Erle as his leader, Mr. (now Lord) Thring drew the Succession Duty Act of 1853, 16 & 17 Vict., c. 51, and it is believed that Mr. Erle drew the Charitable Trusts Act, 1853.

Mr. Erle was indisposed to take pupils, and, though pressed by many persons of consideration to take their sons, declined to do so. He had, however, some, among whom were the present Lord Thring and the late Sir James Hill, for some time a Charity Commissioner, and eventually Mr. Erle's successor as Chief Commissioner.

On November 22nd, 1854, he was appointed to be the first Chief Charity Commissioner, and was made

a Queen's Counsel. About the same time he was elected a Bencher of the Middle Temple.

On November 27th, 1872, he was sworn a member of the Privy Council. He died at 12, Park Crescent, January 29th, 1877.

Mr. Erle married a Miss Fearon, and had a son, Mr. T. W. Erle—formerly Associate in the Common Pleas, and afterwards a Master in the Queen's Bench Division—and three daughters, of whom one married the Rev. H. W. T. Richards, Rector of St. Giles's-in-the-Fields, and two are unmarried.

[*Authorities*: Law Lists; Mr. A. Brodie's and Mr. Hansell's Letters to Mr. M. G. Davidson, January 27th, 1893; Note by Mr. M. G. Davidson on his proof; Foster, "Alumni Oxonienses," 1888; Boase's "Modern English Biography," vol. i.; the Hon. Miss Thring's Letter to the compiler, July 19th, 1894.

No. 20.

JOHN HODGKIN.

Elected 1828.

MR. HODGKIN was born at Pentonville on March 11th, 1800, and was a son of John Hodgkin, of whom an account is given in the "Dictionary of National Biography," and who, with Dr. T. Young, was tutor to Hudson Gurney. Mr. Hodgkin's mother was a cousin of Thomas Rickman, the architect. Dr. Thomas Hodgkin, the physician, was his elder brother. Of the few associates of the two boys one was John Stuart Mill. John Hodgkin, after a strictly private education, became a pupil of George Harrison (above, No. 7), "of the school of Preston and Brodie, which aimed at conciseness and brevity." Nevertheless, the present writer recollects drafts by Mr. Harrison being exhibited to him, some time before 1860, as specimens of unnecessary length. Hodgkin acquired the reputation of being Harrison's best pupil. He was called to the bar at Lincoln's Inn November 22nd, 1825, and quickly obtained a large practice as a conveyancer, but was chiefly eminent as a teacher. His chambers were crowded with pupils, and he read with them for an hour a day some legal text-book. In 1827 he published a pamphlet, "Observations on the Esta-

blishment of a General Registry of Titles." At nearly the same time he married Elizabeth, a daughter of Luke Howard, F.R.S., and his wife, Mariabella, and settled at Bruce Grove, Tottenham; he lost his wife about 1836. About 1843 Mr. Hodgkin married Anne Backhouse, of Darlington, who died in 1845, and in 1850 he married Elizabeth Haughton, of Carlow, who survives him. Not long after the death of his first wife Mr. Hodgkin became an acknowledged minister of the Society of Friends. In 1843 he had an attack of brain fever, attributed to overwork. He then retired from practice at the Bar, and it appears that he thenceforth devoted his attention to philanthropic and religious matters. At the time of the Irish famine he took part in the efforts to aid the sufferers, and in attempts to improve the fisheries on the west coast; and he assisted Sir John, afterwards Lord, Romilly, in the preparation of the Incumbered Estates Act of 1849; but he declined an offer made to him by Lord John Russell of a judgeship in the Court constituted under the Act. In 1858 Mr. Hodgkin went to live at Lewes, and during the last few years of his life was active in the proceedings of the Social Science Congress. He died at Bournemouth July 2nd, 1875.

One of Mr. Hodgkin's pupils, Mr. George Holmes, writes: "I was in his pupil-room for nearly three years, and it was impossible to know him without liking him. He was most conscientious towards his pupils, a charming companion, full of

humour and information, and, in short, one of the most estimable characters I ever met."

Lady Fry, the wife of the Right Hon. Sir Edward Fry, sometime a Lord Justice of the Supreme Court, is a daughter of Mr. Hodgkin.

[*Authorities: The Annual Monitor*—a publication of the Society of Friends—for 1876; "The Dictionary of National Biography"; Boase's "Modern English Biography"; Letter from Mr. G. Holmes to Mr. G. H. Blakesley, June 10th, 1894.]

NO. 21.

HENRY HOPLEY WHITE.

Elected 1831 ; retired 1857.

MR. WHITE, younger son of James White of Lincoln's Inn, gentleman, was born in 1789, was entered as a student of the Middle Temple in 1807, and was called to the Bar by that Society on November 27th, 1818. He was a pupil of Sugden, afterwards Lord St. Leonards, at the same time as Hurrill (above, No. 17) and Senior (above, No. 18), and with them was a member of the Debating Club mentioned in the memoirs of those former members of the Institute. Afterwards he had chambers at 13, Old Square, Lincoln's Inn. In or before 1830 Mr. White sent replies to the Circular relating to registration of assurances, issued by the Real Property Commissioners. In 1828, after Mr. Roper's death, he published the third edition of that Author's "Treatise on Legacies," completing it in respects in which Mr. Roper's preparations for that edition were imperfect, and rearranging the work. In 1835 Mr. White prepared the fourth edition of "Cruise's Digest," adding to the earlier ones, Chapter XVI., on "Powers of Sale and Exchange," and the final

chapter on "Merger." In 1838 his edition, the eighth, of "Watkins's Conveyancing" appeared, and in 1847, again edited by Mr. White, the fourth edition of "Roper on Legacies."

In 1855 Mr. White was elected to the Bench of the Middle Temple. He was an ardent votary of music, became an active member of the Choir Committee of the Temple Church, and was Reader of the Inn in 1858.

In 1866 Mr. White was appointed to be one of Her Majesty's Counsel, and retired from practice.

He died at his residence, The Firs, Rectory Grove, Clapham, Surrey, on December 10th, 1876.

[*Authorities*: Registers of the Middle Temple; Real Property Commissioners' 2nd Report, App. 56, 171; 21 *Solicitors' Journal*, p. 132; 62 *Law Times*, 197; Mr. Tomlinson's MS. Reminiscences and Records of Debating Club of Sugden's Pupils in possession of Mr. C. T. Simpson, till recently a member of the Institute.]

No. 22.

GEORGE WALLACE.

Elected 1831.

MR. WALLACE, according to the records of the Institute, was Mr. G. Wallace, and according to the Law Lists, a Mr. George Wallace was in the year 1819 practising as a certificated conveyancer, and in and after 1820 till 1851, as a conveyancer who had been called to the Bar at Lincoln's Inn, November 23rd, 1819, and practised at 10, New Square.

NO. 23.

SIR JOHN GEORGE SHAW-LEFEVRE,
K.C.B., F.R.S., D.C.L., LL.D.

Elected 1831; Hon. Member 1834.

SIR JOHN SHAW-LEFEVRE, one of the most distinguished Members of The Institute, was a pupil of Mr. Hodgkin (above, No. 20), and on February 11th, 1825, was called to the Bar at the Inner Temple. He was appointed a Queen's Counsel in 1853, was elected a Bencher of his Inn in 1854, and became Treasurer in 1868. His name appears in the Law Lists as that of a conveyancer till 1834 at 7, Fleet Street, and afterwards till 1841 at Somerset Place and Somerset House; but in 1832 his long career in the public service began, and then he gave up the practice of the Law. He had, however, entered the profession with a serious purpose of pursuing the life of a conveyancer. Lady Lefevre, speaking to her children of the unexpected offer of the post of Under-Secretary for the Colonies, presently mentioned, said: "He had been rather anxious about his work in conveyancing before that; but just then

papers came pouring in, and of course he could not undertake them." For some time he acted as conveying counsel for the Duchy of Cornwall.

Sir John Lefevre, born at 11, Bedford Square, London, on January 24th, 1797, was the second son of Charles Shaw-Lefevre, by Helena, daughter and heiress of John Lefevre, of Heckfield Place, Hants, Esquire. Her grandfather, Isaac Lefevre, was of a Huguenot family in Normandy. Sir John was educated at Eton and Trinity College, Cambridge; in 1818 he was Senior Wrangler and First Smith's Prizeman, and in 1819 was elected a Fellow of his college. In 1820 he became a Fellow of the Royal Society, and in 1821 one of the original members of the Political Economy Club. He was also one of the founders of the Athenæum Club. In 1824 he married Rachel Emily, fifth daughter of Ichabod Wright, of Mapperley Hall, Notts, Esquire, one of whose elder daughters became the wife of Lord Overstone. In 1858 he received from the University of Oxford the degree of D.C.L., and in 1861 that of LL.D. from the University of Dublin.

In 1832 Mr. Lefevre was elected Member of Parliament for Petersfield; but was unseated on a scrutiny. His first public employment occurred in the same year, and was that of settling the division of counties for the Reform Act. Soon afterwards he was appointed Under Secretary for the Colonies under Mr. Stanley, with the understanding that he was not to sit in Parliament, and after Mr. Stanley's

retirement in 1834, Mr. Lefevre remained in office under Mr. Spring Rice. He was a member of the Slave Compensation Commission, and Lord Glenelg offered him, but he declined, the post of head of the Law Commission in India. In the same year, with Mr. (afterwards Sir) Frankland Lewis and Mr. George Nicholls, he was appointed Poor Law Commissioner to organise the application of the new Poor Law, and for seven years was employed on that task ; the work is said to have seriously affected his health. He used to say that under his orders between five and six hundred Union Poorhouses were built in England, in substitution for the fifteen thousand previously existing parish houses for the poor. During parts of that period Mr. Lefevre was occupied in taking part in the foundation of the London University, and with Col. Torrens, Mr. Mackinnon, Col. Palmer (of Nazing), and Mr. Angus, in forming the colony of South Australia. In 1841 or 1842 he was appointed Joint Assistant Secretary to the Board of Trade, and served there under Mr. Gladstone at the time when that statesman was engaged in simplifying the Tariff. During this period he also served on a Royal Commission to inquire into the loss of Exchequer Bills, on another concerning Emigration, and on a third relating to South Australia.

In 1846 he mediated between the Royal Scottish Academy and the Edinburgh Royal Institution, with the result that the National Academy at Edinburgh was founded : and in the same year, and again in

1850-51, he mediated between the New Zealand Company and the Colonial Office. It was also in 1846 that Lord Grey offered him, though he did not accept it, the Governorship of Ceylon. In 1847 he was an unsuccessful candidate for the representation in Parliament of the University of Cambridge. His opponent was Lord Feilding.

In 1848 he was appointed Deputy Clerk of the Parliaments, and from 1855 to 1875 he was Clerk of the Parliaments.

In 1848, also, Mr. Lefevre went to Edinburgh to endeavour to continue the Fishery Board and to devise arrangements with reference to the Annuity Tax. Those efforts failed. He was on the Ecclesiastical Commission for twelve years, and in 1850, with Lord Harrowby, Sir W. P. Wood, and Professor Jones, he was a Commissioner to settle the claims of the Church Lessees. Their recommendations appear not to have been adopted. Mr. Lefevre was also for nine years the unpaid Church Estates Commissioner.

He also served with Macaulay, Professor Jowett, and others, on the Committee to inquire into the mode of appointment to offices in the Indian Civil Service—a task which occupied five years—and afterwards with Sir Edward Ryan and others on the first Commission for considering the application of a like competitive system to the Civil Service of the United Kingdom. For many years he presided over the Civil Service Commission which inaugurated

the system of competitive examination throughout the Civil Service.

In 1853 he was a member of a Commission appointed to inquire into the arrangements of the Inns of Court for promoting the study of law and jurisprudence.

In 1862 he retired from the Civil Service Commission and the Vice-Chancellorship of the University of London, a post in which he had in 1842 succeeded Sir John William Lubbock, whose son, the present Sir John Lubbock, after an intermediate occupation of the office by Mr. Grote, held it from 1873 to 1880; but he subsequently served on a Commission relating to the British Museum, on the Exchequer Standards of Weights and Measures Commission, the Public Schools Commission, and the Digest of Law Commission. He indeed was a member, Lord Granville said, of no less than sixteen unpaid Commissions.

When the Statute Law Committee was constituted, Sir John Lefevre was appointed its Chairman. Sir Thomas Erskine May (afterwards Lord Farnborough), Mr. (now Lord) Thring, Mr. (afterwards Sir) Francis Savage Reilly (below, No. 80), and Mr. Rickards, were his first colleagues.

Under the direction of that Committee, continued as it has been by appointments from time to time of successors to its deceased or retired members, the Revised Edition of the Statutes, the Chronological Table of all the Statutes, and the Analytical Index

of the Statutes in force, have been prepared. The instructions for the preparation of the Index, in the amended form adopted in 1878, are contained in a Parliamentary Paper drawn up by Lord, then Sir Henry, Thring.

In 1857 Sir John Lefevre was made a Knight Commander of the Order of the Bath, and in March 1875, on account of age and failing health, he retired from the public service. The Lords of the Treasury, by a minute adverting to the great value of the many and varied public services Sir John Lefevre had rendered to the State during his long and distinguished career in the Civil Service, awarded to him a special retired allowance of an amount equal to his former salary. On reading to the House his letter of resignation of the office of Clerk of the Parliaments, the Lord Chancellor, Lord Cairns, adverted to, among other things, Sir John Lefevre's knowledge and mastery of the traditions and precedents of the House, and the very valuable and methodical arrangement and analysis of its standing orders which he had prepared. Lord Cairns also spoke of the ability Sir John Lefevre had displayed in connection with the judicial business of the House, "especially in the settling and drawing up decrees and orders on appeals, often long and complicated, and requiring a very considerable amount of technical knowledge"; and also to his great services "as the head of the Committee for conducting the publication of the revised edition of the Statutes."

Few men have had "a greater reputation for infinite industry and capacity" than Sir John Lefevre. His mathematical acquirements were equalled by his knowledge of European languages. He knew ten, having studied them in odd moments so employed by way of relaxation from his other work. He translated, from the Dutch, Madame Van Walree's "Lief en Leed," and published his version of it under the title "The Burgomaster's Family," by Christine Müller, the latter words being the names attributed to the author in the original; he also left in manuscript several other translations of Danish, Swedish, Spanish, Portuguese, and Russian works. After he attained the age of sixty-five he learned the Russian language and collected a large library of Russian books. It was said in an obituary notice of Sir John Lefevre that a cultivated Russian lady had declared that he knew more about Russian literature than many of the most educated men and women of that country. If the compiler's memory serves him rightly, the late Mr. Bellenden Ker (below, No. 67) told him that Sir John Lefevre knew Basque. Neither Mr. nor Miss M. Shaw-Lefevre remember that as one of their father's accomplishments, but the latter writes: "If Mr. Bellenden Ker mentioned the fact, I have no doubt he was right, for my father was interested in language generally, and would probably have been interested in Basque, as he certainly was in Romantsch."

— His elder brother, Charles Shaw-Lefevre, was

Speaker of the House of Commons from May 1839 to March 1857, when he was created Viscount Eversley.

Sir John Lefevre died on August 20th, 1879, leaving a son, now The Right Hon. George John Shaw-Lefevre, who was a member of the Cabinet in Mr. Gladstone's second administration, and in that of Lord Rosebery, and several daughters. Of them, one married the Honourable Arthur Hamilton Gordon, now Lord Stanmore, G.C.M.G., and died in 1889; another is the wife of Sir Charles Lister Ryan, K.C.B.; and a third, Miss Madeleine Shaw-Lefevre, was Principal of Somerville College, Oxford, from its foundation in 1879 to 1889.

[*Authorities*: Law Lists; a Life in the *Annual Register* for 1879; one in the *Times* of August 23rd, 1879, which Mr. G. J. Shaw-Lefevre describes as "an excellent account"; a third in the "Dictionary of National Biography"; Hansard's Parl. Deb., 3rd series, vol. 222, col. 1370; *Annual Register* 1867, 258; Treasury Minute April 10th, 1875; Chronological Table of the Statutes, 4th Ed. preface; "Parliamentary Paper Session" 1877, H. L. 117, H. C. 288; Communications by Mr. G. J. and Miss M. Shaw-Lefevre, Lord Thring, Mr. Burrows, Mr. Alexander Brodie, Sir R. J. Cust.]

No. 24.

CAYLEY SHADWELL.

Elected 1834; retired and made Hon. Member 1864.

MR. SHADWELL was a younger brother of the half-blood of the fourth and last Vice-Chancellor of England, Sir Lancelot Shadwell, who held that office from November 1st, 1827, to 1850, the Vice-Chancellor being the eldest son of the first, and Mr. Cayley Shadwell the eldest son of the second, marriage of Mr. Lancelot Shadwell, of Lincoln's Inn, who was born December 24th, 1750 (O.S.), and whom Foss describes as "a barrister of high reputation and immense practice as a real property lawyer." Mr. Cayley Shadwell's mother was Isabella, daughter of Sir Thomas Cayley, of Brompton, Yorkshire, Baronet, and he was born March 18th, 1798, the sixth of his father's sons, and not, as is erroneously stated in the entries of admissions to Lincoln's Inn and Gray's Inn mentioned below, his fourth son. At the date of Mr. Shadwell's admittance as a member of Lincoln's Inn, indeed, he was his father's fourth surviving son, but when, in 1858, he entered at Gray's Inn, he had survived all his elder brothers. He was

educated at Westminster and Trinity College, Cambridge, but left the University without taking a degree. He was admitted a member of Lincoln's Inn November 13th, 1820; was called to the Bar at that Inn, November 25th, 1825, and was also admitted a member of Gray's Inn, February 10th, 1858. Thenceforth, throughout his life, he remained a member of both Societies. His Chambers appear to have been at, in 1828 to 1831, No. 10; in 1832 to 1838, No. 3, New Square, Lincoln's Inn; in 1839 to 1853, No. 4, Carey Street; and in 1854 to 1864, No. 14, Serle Street.

Mr. Shadwell at one time was a lecturer of the Incorporated Law Society. He also began an edition of "Bythewood's Conveyancing," of which the first volume only was published, and that in 1850. He retired from practice about 1864, and died at his house, 25, Abercorn Place, N.W., August 27th, 1887.

Besides the Vice-Chancellor of England, and Mr. Cayley Shadwell, several other descendants of their father have figured in the profession of the law. Mr. Charles Shadwell, a solicitor in Gray's Inn, and an elder brother of Cayley Shadwell—and not Cayley Shadwell as stated in Foster's "Men at the Bar"—was Secretary to Sir Lancelot. The eldest son of the Vice-Chancellor, also named Lancelot, was called at Lincoln's Inn May 5th, 1832, practised in the Court of Chancery, and died January 11th, 1861. A younger son, Alfred Hudson, became a solicitor; was made a Taxing Master in

1860, and died May 31st, 1885. Three sons of the above-named eldest son of Sir Lancelot were called to the Bar. The eldest, also named Lancelot, was called at Lincoln's Inn, January 16th, 1866; went on the Western Circuit for a few years, but did not otherwise practise, and died April 9th, 1875. Another, Charles Lancelot, was called, but has never practised; and a third, Mr. Lionel Lancelot Shadwell, now represents the family at the Chancery Bar. Another grandson of the Vice-Chancellor, Mr. John Emilius Shadwell, though called to the Bar, has never practised.

[*Authorities*: Foss, "Biographia Juridica," *sub nom.*, Shadwell; Letters to the compiler, with notes from Mr. L. L. Shadwell, March 30th, 1895, November 17th, 1896, November 8th, 1898; conversation with Mr. Burrows.]

No. 25.

WILLIAM TWOPENY.

Elected 1834 ; retired 1862.

MR. TWOPENY, the second son of Edward Soan Twopeny, was born at Rochester in 1798.

The family of Twopeny, or according to its older spelling, "Toupeny"—a name at the mis-spelling or mispronunciation of which the subject of this memoir is said to have often expressed his annoyance—came from Flanders in the early part of the last century. Mr. Twopeny's elder brother Edward had an estate at Woodstock, near Sittingbourne, where his grand-nephew, the late Edward Maxwell Twopeny, Esquire, at the time of his recent death, resided.

Mr. Twopeny was educated at Oriel College, Oxford ; he was called to the Bar at Lincoln's Inn on February 8th, 1825, practised as a conveyancer at 4, Lamb Buildings, Temple, and retired in 1866. He lived in Upper Grosvenor Street, never married, and died in 1873.

Mr. Twopeny acquired a considerable practice, and published a pamphlet, entitled "Observations on the present Mode of providing Fortunes for Younger Children by a Charge on Landed Estates" (Bradbury & Evans, 1854), in which he advocated the sub-

stitution of provisions for younger children, by means of life policies, instead of by the usual method of trusts for raising them on mortgage. Had his counsel been taken, many settled estates which have since been sold might have remained the property of the families of their former owners. The gist of the "Observations" and some further suggestions on the subject are printed in the 3rd edition of Mr. Davidson's "Precedents."

Among Mr. Twopeny's pupils were:—

Right Hon. Sir Austen Henry Layard, P.C., G.C.B., D.C.L.

Sir Reginald John Cust, formerly the judge of the West Indian Incumbered Estates Court, and now (1899) a Member of the Institute.

Sir John Bramston, C.B., K.C.M.G., formerly Attorney General of Queensland, and lately [1899] First Assistant Under Secretary of State for the Colonies.

Mr. Robert Walters, of Ware Priory, Herts, a son of Mr. Walters (above, No. 8).

Mr. Twopeny was an excellent artist and an archæologist. In 1837 he published in folio a volume of "Etchings of Ancient Capitals, etc.," and he is said when the restoration of the Temple Church was in contemplation to have sent in designs for that work; but the compiler has not been able to verify the statement.

Mr. Twopeny was an intimate friend of the fourth Duke of Northumberland, whom he assisted in the restoration of Alnwick Castle; the third Marquis of Lansdowne; and Mr. Rogers the poet. Rogers indeed,

who had in his collection one of Sir Joshua Reynolds' versions of his picture "The Strawberry Girl," wished to bequeath it to Twopeny, but the latter would not consent to his doing so.

Mr. Walters mentions among Mr. Twopeny's characteristics that he was of spare habit, an early riser, lit his fire at 5 a.m., lunched on a dry biscuit and a glass of water, and till late in life did not wear a great coat. Though well versed in the topics of the day he belonged to no club, seldom read a newspaper, and did not dip into a book until it was well bound according to his taste. Reserved in manner, he had, under a cynical exterior, the warmest and most affectionate heart. Mr. Walters thinks Twopeny never went out of England. The beauty of the bindings of his books is also a matter of tradition, together with his "pleasant little dinners" served on Oriental china of great value. His books and some of his pictures and engravings were in the possession of his grand-nephew at Woodstock above mentioned.

Many of Mr. Twopeny's drawings were presented to the British Museum.

[*Authorities*: Letters from the above-named Mr. Edward M. Twopeny, April 17th, 1895, Nov. 8th, 1896, and Sir Richard Cayley, of Ryhall, Stamford, late Chief Justice of Ceylon, June 23rd, 1894; Notes by Sir R. J. Cust, Mr. Walters of Ware Priory, Mr. Burrows, and Mr. Alexander Brodie, 3 Davidson's "Precedents in Conveyancing" 3rd Ed., pp. 458-462.]

No. 26.

ROBERT DALZELL.

Elected 1834; retired 1842.

MR. DALZELL was the eldest son of Robert Dalzell, of Tidmarsh Manor, Berks, and of Wallingford, Esquire, by Sarah, eldest daughter of Mark Morrell, of Bridge House, Wallingford, Esquire, and was born on May 7th, 1794. The Dalzell family is descended from the Earls of Carnwath; General Robert Dalzell, who fought in many of the Duke of Marlborough's campaigns, and of whom a memoir is printed in the "Dictionary of National Biography," was the great-great-grandfather of the subject of this memoir. Mr. Dalzell was also descended through his paternal grandmother from Sir John Chardin, the traveller and orientalist, whose monument is in Westminster Abbey. When very young Mr. Dalzell was sent to Dr. Horne's school at Chiswick, whence he proceeded to Westminster, at the age of twelve, and was placed in the fifth form—Dr. Carey, afterwards Bishop of Exeter and of St. Asaph, being then head master. While still at school Mr. Dalzell was a pupil of Angelo's, and had the reputation among his schoolfellows of being exceedingly handy with

his fists; he was also distinguished for his skill in composing Greek epigrams. He was admitted on the foundation as a King's Scholar in 1809, and in 1813 was elected to Trinity College, Cambridge, where he graduated B.A. in 1817 and M.A. in 1822. He was a good linguist, speaking French and Italian well, and after leaving Cambridge he travelled on the Continent, chiefly in Italy, for four years. On April 19th, 1822, he was admitted a member of Lincoln's Inn, where he was called to the Bar on May 13th, 1825; in some of the old Law Lists the date of his call is given inaccurately as 1835. In the article in the "Dictionary of National Biography" above referred to, he is described as being of the Middle Temple, and a D.C.L.; but these statements appear to be erroneous. His name appears in the Law List for 1826 as having chambers at 9, Old Square; he subsequently moved to 5, Old Square.

Jointly with Mr. J. H. Leigh, of Lincoln's Inn, Mr. Dalzell was the author of "A Treatise on the Equitable Doctrine of Conversion of Property," published in 1825, shortly after his call, and referred to by Vice-Chancellor Wigram in a case reported in 7 Hare 316. He had much work while at the bar in connection with the litigation which arose out of the celebrated will of James Wood, "the Gloucester miser" (see *Hitchings v. Wood*, 2 Moore, P.C. 355; *Corporation of Gloucester v. Osborn*, 1 H. L. C. 272).

Mr. Dalzell married Margaret, daughter of the late Colonel Legh, M.P., of Lyme Park, Cheshire. From

1855 to 1865 he lived much in France for the education of his children; having a good fortune he gave up much of his practice at the bar, and his name does not appear in the Law Lists after 1865. He was an intimate friend of the first Lord Westbury. Mr. Dalzell was one of the original members of the United University Club, and continued to belong to it till his death, which occurred on January 14th, 1878. He left a daughter surviving him, to whom the writer of this memoir is indebted for much of the information contained in it.

* * * * *

The above memoir is written by Mr. F. A. Peck, of the Chancery Bar, who is a son of Mr. J. K. Peck, now a member of the Institute. The Club is indebted for this interesting account, first to the singular accident of Mr. F. A. Peck's having recollected, when he saw a proof of this part of the present series and the name Robert Dalzell, that he had often gazed on that name when a boy at Westminster, and secondly to his energetic and skilful use of that clue to obtain the information he has written so kindly for the benefit of the Club.

[*Authorities*: Law Lists; Lincoln's Inn Register and call books; Whishaw's "Synopsis"; Barker and Stenning's Westminster School Register; Welch's "Alumni Westmonasteriensis" (ed. C. B. Phillimore, 1852); "Dictionary of National Biography," *sub nom.* Robert Dalzell; letters from Miss Dalzell, of St. Alban's Priory, Wallingford, Berks.]

NO. 27.

HENRY EMLY.

Elected 1834; died 1856.

MR. EMLY is believed to have been in early life in business as a brewer at Salisbury, and to have come late to the Bar. He was a pupil of Mr. Brodie (above, No. 2), and was called at the Middle Temple on November 27th, 1829. He is said to have been working with Brodie when that gentleman was engaged in drawing the Fines and Recoveries Abolition Act. Mr. Burrows describes him as a very able man.

When a pupil of Mr. Brodie Mr. Emly indulged to a great extent in snuff-taking. Mr. Brodie told him he had become a slave to the baneful habit and would not be able to abandon it. Mr. Emly thought seriously of the remonstrance and, after a struggle with himself, determined to try to falsify Mr. Brodie's words. For some days, he afterwards said, he suffered agony, but he overcame his desire and left off taking snuff.

[*Authorities*: Law Lists; Letters by Mr. Alexander Brodie; Mr. Burrows in conversation.]

No. 28.

JONATHAN HENRY CHRISTIE.

Elected 1838; retired, and Honorary Member 1864.

JONATHAN HENRY CHRISTIE was born in 1792 at the Parsonage of Fyvie in Aberdeenshire, being the second son of the Rev. Alexander Christie, a clergyman of the Episcopal Church, who besides being Rector of Fyvie was also Dean of Aberdeen.

Mr. Christie was sent, while still very young, to the University of Glasgow, whence, having obtained a Snell Exhibition, he proceeded to Balliol College, Oxford. At that time he had not begun to learn Greek, a knowledge of which was necessary in order to obtain a degree. He had not the means needed to enable him to pay for the necessary instruction, but resolving not to be beaten he set to work alone to teach himself; and he succeeded so well that he was not only placed in the second class in Literis Humanioribus in 1813, but even fifty years later, when he had retired from the Bar, he retained such a knowledge of the language that he could read Sophocles and other classical authors with ease; and in the perusal of them he found one of his chief recreations.

Among Mr. Christie's contemporaries at Balliol was Mr. Lockhart, the son-in-law of Sir Walter Scott, with whom Mr. Christie formed a most intimate friendship, which continued till Mr. Lockhart's death. An incident of that friendship was a duel fought by Mr. Christie in the year 1821. Letters had appeared in the *London Magazine*, edited by Mr. John Scott, with reference to the conduct of *Blackwood's Magazine*, which were deemed offensive to Lockhart. Christie, as Lockhart's friend and also with reference to matter personally offensive to himself, called upon Mr. Scott for an apology or satisfaction. Interviews and correspondence resulted in a challenge sent by Scott to Christie. They met on a moonlit night at Chalk Farm, and Scott was wounded mortally. He is reported to have expressed himself satisfied with the conduct of Christie who, being put upon his trial at the Old Bailey, before the Lord Chief Justice Abbott and Mr. Justice Park, was acquitted. In a letter to Lockhart, written the day after his opponent's death, after referring to the matter as "a most heart-rending transaction," he wrote that he could "not attempt to describe the horror" he felt. "I arranged," he added, "with my second, Traill, that I should not fire at Scott unless in self-defence. Accordingly I fired my first shot in the air." Scott, however, aimed at Christie, and consequently in the second round Christie fired the shot which proved fatal. Sir Walter Scott, on hearing of the affair made his way to Christie and offered his assistance

“but had not the good fortune to hit on anything that could be useful.” “Christie,” Sir Walter wrote, “behaved with the utmost moderation as well as gallantry, and had no honourable mode of avoiding the sleeveless quarrel fixed on him.” Procter also (below, No. 39), who was acquainted with John Scott, thought “that Mr. Scott was the person entirely in the wrong.” Scott’s second was Peter George Patmore, the father of Coventry Patmore the poet. “He,” Mr. Andrew Lang remarks, at the end of his very full description of the occurrence and its circumstances, “did not, when Christie was tried, surrender himself for trial, probably that his absence might weaken the evidence against the others.”

Mr. Christie’s course during the six or seven years which followed 1813—that in which he took his degree at Oxford—does not appear to be exactly known, but it may be gathered from the references to him in Lang’s “Lockhart” that he spent much of it in London. He entered at Lincoln’s Inn in 1815 and probably about the same time entered the chambers of Mr. Duval (below, No. 31) as a pupil. The Rev. Father Henry James Christie states that his grandfather, after his pupilage, continued for some time to work for Mr. Duval; that a few years later his health gave way and he retired from practice to Limoges, whence he returned to England and settled at Bristol; and that there he quickly acquired a considerable practice.

Mr. Christie’s name does not appear in the Law

Lists until 1819, and then as a Certificated Conveyancer, at 2, New Square, Lincoln's Inn, and in 1820 and 1821 at 7, Holborn Court, Gray's Inn. In the summer of the latter year—in the spring of which the duel occurred—Christie's health was very bad, but a visit to his native air restored him. His name does not appear in the Law Lists again till 1828, and then as barrister called at Lincoln's Inn, May 21st, 1824, and having chambers at 6, Stone Buildings. The Law Lists must be defective. That Mr. Christie practised at Bristol for some time is certain, and he probably practised in London continuously from 1819.

Among Mr. Christie's many pupils were:—

Mr. Edward Kent Karlake, Q.C.

Mr. John Whitehead, until lately [1899] a member of the Institute.

Lord Justice Sir Henry Cotton.

The Lord Chief Justice Lord Coleridge.

Lord Bowen.

Sir James Fitzjames Stephen, Bart., K.C.S.I., sometime one of H.M.'s Justices of the High Court of Justice.

His Honour Judge Eddis.

Mr. Henry T. Stephen Dicey (below, No. 89).

Mr. Charles Davidson (below, No. 55).

Mr. Dart (below, No. 59).

Mr. Henry Cadman Jones.

Mr. E. P. Wolstenholme, now (1899) a member of the Institute, one of the Conveyancers of the Court, and a Bencher of Lincoln's Inn.

Professor Cayley.

Lord Cardwell.

His Honour Sir A. G. Marten, Q.C., Judge of County Court Circuit No. 37.

Mr. Dubois, a late member of the Institute.

Mr. Arthur Cayley the famous Professor of Pure Mathematics at Cambridge was a very favourite pupil and continued to work for Christie for many years. Mr. M. G. Davidson reports the following story of Mr. Cayley's first interview with Mr. Christie. Mr. Cayley arrived at Stone Buildings, sent in his card, was admitted, and asked to be taken as a pupil. Christie inquired whether he had any introduction; the reply was, No. Had he been at a University? Yes. Christie, who seldom had a vacant chair in his pupil room, used to describe himself as not having been very favourably inclined towards this monosyllabic applicant. However, he had been at the University and it might be worth while to inquire further. Christie did so, and by successive and separate questions elicited the information that Cayley's University was Cambridge; his college Trinity; that he had taken a degree; in honours; in mathematical honours; that he had been a Wrangler; that he had been Senior Wrangler. That, of course, was enough, and Christie managed to find room for this applicant, whose modesty appeared to be as remarkable as his distinctions, which included, what it does not appear that Christie's questions had extracted, that of being First Smith's Prizeman as well as Senior Wrangler. "We are a very intellectual circle at Christie's," wrote Lord (then Mr.) Bowen in 1858. "Only two Senior Wranglers at present, but no doubt more are coming."

The connection with Mr. Cayley thus formed long

continued. For many years after his call, in May 1849, Mr. Cayley assisted Mr. Christie in conducting his very large business. That was, it is said, the only legal business he did, always refusing work brought to him to do on his own account, and soon after Mr. Christie retired from practice Mr. Cayley left Lincoln's Inn and accepted the Sadlerian Professorship of Pure Mathematics at Cambridge which he held until his death in January 1895. To a letter addressed to him for the purpose of this Memoir, in 1894, he replied, "I shall always remember with affection and gratitude the great and unfailing kindness which I received from Mr. Christie during the time of my pupilage, and afterwards in the fourteen years for which I worked for him." In Mr. Davidson's collection of precedents there is a family settlement to which, with Mr. Davidson's approbation, Mr. Waley (below, No. 68) appended a note calling attention to the remarkable skill of Mr. Arthur Cayley exhibited in it.

Mr. Howe, now the senior member of the Institute, with reference to Mr. Christie and Mr. Hayes (below, No. 34) wishes to have recorded his sense of the extreme kindness and consideration for younger and less known men shown by those two of the most distinguished of modern conveyancers, and the generous sympathy and encouragement they were always ready to afford. Very early in Mr. Howe's professional career he happened to be brought into contact with both of them, and remembers with gratitude the assistance and encouragement they gave him.

The Act for the amendment of the Law of Real Property (8 & 9 Vict. 106), was drawn at the request of Lord Chancellor Lyndhurst by Mr. Bellenden Ker Mr. Christie, and Mr. Hayes.* Probably Mr. Christie was the learned friend to whom Mr. Davidson (below, No. 55) submitted the clauses drawn by him, which, without the precautions the author had contemplated, were adopted by Lord Brougham, and at his instigation, with some alterations and additions, by the legislature, in the very useful, though imperfectly expressed, "Act to render the assignment of satisfied terms unnecessary," 8 & 9 Vict. c. 112.

Mr. Christie was spoken of as the greatest conveyancer of his day, and for many years had a very large business. Professor Cayley mentioned work for The Law Life Assurance Company, The Marquis of Bute, the Black Sluice Drainage, the Portarlington Estates, Settlements of the Staffordshire Estates of the Earl of Shrewsbury, and the Lancashire Estates of the Earl of Crawford and Balcarres, as having been done by Mr. Christie while Mr. Cayley was with him.

In 1852 Lord Chancellor St. Leonards appointed Mr. Christie to be one of the first six conveyancing counsel of the Court (see above, p. 4). He resigned that office in 1861, and at the end of 1862, being then seventy years of age, retired from practice. He was, however, still vigorous and active, and took a keen

* See further notices of this Act in the Memoirs of Mr. Hayes (below, No. 34), and Mr. Ker (below, No. 67).

interest in all the subjects of the day. He was a great reader, and besides his classical studies there were few books of interest which he did not read ; and as he not only read, but remembered what he read, he possessed an amount of information rarely equalled. He was a well-known member of the Athenæum Club and was also a member of the Carlton. In his early life Mr. Christie had displayed an unusual talent for making good friends, and continued to do so throughout his life. Among those of earlier years, besides Mr. Lockhart, was Mr. Gleig the Chaplain-General to the Forces, and in 1824 Lockhart "spent three very pleasant days with him, and met, among other lions, Hook, Canning, Rogers, Maginn, Gifford, Irving, Wilkie, and Coleridge." In later years he formed a great friendship with Professor Jowett, the Master of his old College. He had a delightful set of acquaintances, and breakfasts at Stanhope Street were at one time a well-known rendezvous of famous legal and literary men. Literary subjects indeed were not wholly tabooed at Stone Buildings. "I was," said Lord Bowen, "a pupil of a distinguished conveyancer who loved works of fiction, and many a half hour have I spent with him in discussing Balzac, when his confidential clerk was under the impression that we were settling the draft of some marriage settlement."

For many years Mr. Christie was a Director of the Law Life Society, in which he took a great interest.

In 1819 Mr. Christie married Mary, daughter of

Daniel Conner, Esquire, of Manch, co. Cork, and it was only a few months before his death, which occurred on April 16th, 1876, that he was left a widower. Mrs. Christie was a cousin of Feargus O'Connor.

Mr. Christie left several children. His eldest son, James Traill Christie (below, No. 73), was the father of the Rev. Henry James Christie, to whom the Institute is indebted for much of this memoir. His second son, Daniel, a cornet in the 7th Bengal Light Cavalry, was killed in 1849, when leading a storming party to the capture of a hill fort in India; and his third son, Alexander Henry, who became a member of the Stock Exchange, was, like his father, a great reader, and a member of the Athenæum. A fourth son was named Arthur. Mr. Christie's eldest daughter, Mary Elizabeth, married Mr. Charles Davidson (below, No. 55), and his younger daughters, Margaret, who has died, and Sophia, became Mrs. Bowring, and Mrs. Perry Herrick.

[*Authorities*: Lincoln's Inn Register; Law Lists; Letters from Mr. H. J. Christie and Mrs. Perry Herrick; MS. account of Mr. Christie furnished by the Rev. H. J. Christie, of the London Oratory; Letters from Mr. Wolstenholme and Mr. C. H. F. Christie; Communications by Mr. T. C. Wright and Mr. M. G. Davidson; Letters by Professor Cayley, and Sir A. G. Marten; Lang's "Lockhart"; "Memoir of Arthur Cayley" in his collected Mathematical Papers, vol. viii., "Proceedings of the Royal Society," vol. lviii., 1895; 3 Dav. Conv., 2nd ed., 945, 3rd ed., 1067. "For the

Duel:" Steinmetz "Romance of Duelling," vol. ii., pp. 253—259; Sir Walter Scott's "Familiar Letters," vol. ii., pp. 109—114; Lang's "Life of Lockhart," vol. i., ch. ix. and p. 346; B. W. Procter, "An Autobiographical Fragment," 1877, p. 205; *Times*, November 27th, 1896, "Memoir of Coventry Patmore"; Sir H. S. Cunningham's "Biographical Sketch of Lord Bowen," 92, 93.]

NO 29.

ADAM WASHINGTON.

Elected 1839.

MR. WASHINGTON was a pupil of Mr. Brodie (above, No. 2), and was called to the Bar at Lincoln's Inn on February 10th, 1826. From the Law Lists he appears to have practised at 44, Lincoln's Inn Fields, and his name is not found in them after 1850. Mr. Alexander Brodie writes that Mr. George Thomas Jenkins (below, No. 71) was a pupil of Mr. Washington, and Mr. Burrows speaks of him as a very able and gentlemanly man, who succeeded to property and left practice early in life.

[*Authorities*: Law Lists; Mr. Burrows in conversation, March 19th, 1895; Mr. A. Brodie, letter, January 27th, 1893; Whishaw's "Synopsis."]

NO. 30.

WILLIAM DUGMORE.

Elected 1839.

MR. DUGMORE was the youngest son of John Dugmore, of Swaffham in Norfolk, a justice of the peace for that county, who was for some time Commissioner of Inclosures, and Receiver-General of the Crown Rents of Norfolk, Suffolk and Lincolnshire. He was of Irish extraction, and a descendant of Sir Richard Bingham, *temp.* Elizabeth, an ancestor of the Earl of Lucan. Mr. Dugmore, whose mother was a daughter of Woodrow, of Hingham, Norfolk, Esq., was born in the year 1800, and educated at Bury St. Edmunds, where one of his schoolfellows was William Page Wood who became Lord High Chancellor and was made a peer as Baron Hatherley.

Mr. Dugmore was admitted a member of Lincoln's Inn, January 27th, 1823; during 1827 and 1828 he appears to have practised as a certificated conveyancer, and he was called to the Bar at Lincoln's Inn on June 24th, 1828. He practised as a conveyancer at 5, New Square, Lincoln's Inn. A communication by him to the Real Property Commissioners was

printed by them. He became in the words of Mr. Burrows, who acted as his junior for some years in the same capacity, "the well-known first conveyancer" of the Ecclesiastical Commissioners for England and Wales. He was made a Queen's Counsel in Hilary Term 1861, and elected a Bencher of Lincoln's Inn March 13th, 1861. For many years he was a member of the Committee of the Church Missionary Society.

Among Mr. Dugmore's pupils were :—

Mr. H. R. Vaughan Johnson, one of the Conveyancers of the Court, and a Member of the Institute.

The late Mr. Benjamin Shaw.

Mr. Dugmore married first, in 1823, his cousin Martha, daughter of J. Garratt, of Newington Green, Middlesex, Esquire; and secondly, in 1838, Mary Louisa, the second daughter of Edward Venner Sidebottom, a barrister and conveyancer and also a brother of the Mr. Sidebottom who was a member of the Institute (below, No. 32). By her he left among other issue a son, Ernest Edward, now the Rev. Canon Dugmore, Vicar of Parkeston, Dorset.

Mr. Dugmore, who had a country residence in Hampshire, died at Cannes, July 1st, 1872, a few days after the death at the same place of his youngest daughter, Maria Antonia.

[*Authorities*: Law Lists; Whishaw's "Synopsis"; Lincoln's Inn Registers; Real Property Commissioners' 2nd Report, App. 9; Mr. Burrows' note in 1892, and conversation March 19th, 1895; MS. note sent by Canon Dugmore, and written by his sister; 53 *Law Times* newspaper, 207; 16 *Solicitors' Journal*, 678.]

NO 31.

LEWIS DUVAL.

Elected 1840; died 1844.

MR. DUVAL, the second son of John Duval, of Warnford Court, Throgmorton Street, diamond merchant, by his wife, Elizabeth Beaufel de Vismes, of The Nowell, York, was born at Geneva on November 11th, 1774. He was educated at Trinity Hall, Cambridge, where he graduated LL.B. in 1796, and was elected a fellow of his College. On June 18th, 1793, he was admitted a member of Lincoln's Inn, where he was called to the Bar in 1804. An account of Mr. Duval, which appeared in the *Law Review* soon after his death, and from which the greater part of that given in this memoir is derived—states that he had for some time previously practised as a certificated conveyancer.

For about two years Mr. Duval was a pupil of Mr. Charles Butler, by whom he was described as a draftsman by intuition. A hesitation in Mr. Duval's speech prevented him from attempting to practise in Court, and he became what was called a pure conveyancer. To a great extent he followed

Butler's forms, and did much to improve the perspicuity and precision of legal documents. Butler and Duval have been called the founders of modern conveyancing.

When Mr. Duval began to practise, Butler and Shadwell, the father of Mr. Cayley Shadwell (above, No. 24), were at the height of their fame, Hargrave in full practice, and Sanders and Brodie (above, No. 2) rising into eminence ; and when Butler, Preston, and Sanders retired Mr. Duval became the acknowledged head of his particular branch of learning. Perhaps no one of his predecessors held the situation so completely without a rival and by universal consent as he did. " His clearness, caution, and great practical experience, combined with his patience and extreme urbanity, rendered him eminently suited to this important position. We say important advisedly, because one who holds such a rank as he did, and who holds the entire confidence of both branches of the profession, becomes in fact a judge in ninety-nine cases out of a hundred which are brought before him." He was not what is called a learned lawyer.

In 1829, probably, Duval with Sanders and Tyrrell (above, No. 4) was added to the original five Commissioners appointed on the advice of Lord Lyndhurst, then Chancellor, to inquire into the law respecting real property ; and he wrote the greater part of the second report which was presented to Parliament in June, 1830, and related entirely to the establishment of a general registry of deeds.

Up to the time of his joining the Commission he had been confined to the perusal of abstracts, the preparation of drafts and the answering of cases. Then first, probably, he felt his own superiority on general subjects connected with jurisprudence. Having entered on the subject of a Registry, he produced a plan and reasons in its support, which obtained the respect and applause of all. The plan of the Registry proposed by the Report, and the reasoning in the latter—both being understood to have been mainly Duval's—tended much to bring round Mr. Bell and Mr. Sanders to his views. Every detail of the project was so elaborated that persons studying it were startled at its comparative complexity and difficulty, and it was only on a laboured and minute examination that its entire merits and completeness were discovered. With that subject his particular interests in the Commission ceased. He prepared a Bill to effect the object he proposed to attain, and Lord (then Sir John) Campbell, the head of the Commission, and Mr. Freshfield introduced it into the House of Commons. Like Bills were brought in in 1833, 1834, 1845, 1846, 1851, and 1853. Mr. Duval had died nine years before the introduction of the last of those Bills, and eight years later Lord Westbury proposed and carried through Parliament his measure for the registration of title instead of deeds.

Mr. Duval's celebrated Reasons for the appeal to the House of Lords in the case of *Scarbrick v.*

Eccleston, Mr. Waley (below, No. 68) described as a remarkable monument of the clear and powerful intellect, the acuteness controlled by sound judgment and the skill in composition of that eminent conveyancer. The above-mentioned Report and Reasons are said to be the only articles which proceeded from his pen.

Among Duval's more distinguished pupils were :—

Edward Burtenshaw Sugden, afterwards Lord Chancellor St. Leonards.

William Henry Tinney, afterwards a Q.C. and a Master in Chancery.

Charles Henry Bellenden Ker (below, No. 67).

Jonathan Henry Christie (above, No. 28).

Loftus Tottenham Wigram, Q.C.

John Young Kemp (below, No. 60).

Marcus Martin (below, No. 43).

Thomas Bourdillon (below, No. 76).

Charles, afterwards *Sir Charles, Hall*, V.C. (below, No. 80).

Joshua Williams Q.C. (below, No. 58), the author of the celebrated Treatises on "The Law of Real Property," "The Law of Personal Property," etc.

With Sanders Mr. Duval continued to be on intimate terms until the death of the former. He lived at St. Petersburg House, Bayswater Hill, and died there on August 11th, 1844. His portrait by Sir George Hayter, and a bust by Sievier, are in the possession of Mr. Lewis Duval Hall, the eldest son of the late Vice-Chancellor Sir Charles Hall.

Without pretension to scholarship, Mr. Duval was not wanting in the attainments necessary to constitute a well-educated gentleman. In writing he

expressed himself with perfect precision, purity, and elegance. He had read most popular English classics, and had a considerable tincture of French literature. In his later years he read for amusement. Though no man could be less liable to the charge of grossness in his enjoyments, he was Epicurean in his disposition. In his younger days he was a fox-hunter and an angler, but for the last twenty years of his life he gave all his attention to shooting.

[*Authorities*: Article in "Dictionary of National Biography," by G. F. Russell Barker, citing *Law Review* for 1844, 139; *Gentleman's Magazine*, 1844, xxii., 328; "Grad. Cantab." (1823), p. 149; Lincoln's Inn Register; "Davidson's Conveyancing," 2nd Edition, 301, 3 *Ib.* 382; "Parliamentary Papers," 1830, xi., 1—18.]

No. 32.

ALEXANDER RADCLYFFE SIDEBOTTOM.

Elected 1841; died 1847.

MR. SIDEBOTTOM was admitted on the foundation of St. Paul's School, November 19th, 1784, was Captain, 1791-93, Pauline Exhibitioner, Brasenose, Oxford, B.A., 1797, M.A., 1799, called to the Bar at the Middle Temple, Michaelmas Term, November 25th, 1808, resided in Sloane Street, had chambers in Lincoln's Inn, and died April 5th, 1847, aged 73. He was the son of Alexander Radclyffe Sidebottom, of Sutton Court, Surrey, and a Bencher of the Middle Temple, whose mother, Mary Radclyffe, claimed descent from Edward I. and his Queen, Eleanor of Castile, through their daughter Elizabeth, who married Humphrey de Bohun. The mother of the Member of the Institute was Mary Bradshaw, a descendant of the regicide. Mr. Sidebottom lost in one day four sons, aged 31, 19, 17, and 15 respectively, who were drowned while bathing in Kingsbury Reservoir—water now better known by the name of a neighbouring public-house, "The Welsh Harp." He never recovered from the shock.

ALEXANDER RADCLYFFE SIDEBOTTOM. 93

A younger gentleman, a half-brother of the Member of the Institute, Mr. Edward Venner Sidebottom, was also a conveyancer, and two other members of the family, Charles John and Charles Radclyffe Sidebottom, were called to the Bar in 1818 and 1830 respectively.

[*Authorities* : Gardiner's "Register of St. Paul's School"; Notes, furnished by the Rev. Canon Dugmore, above, p. 86.]

No. 33.

WALTER COULSON.

Elected 1841 : Hon. Member 1855.

OF Mr. Coulson there is a life in the "Dictionary of National Biography," and from it, chiefly, the following account of him is derived:—Born in 1794 (?), Mr. Coulson was the second or third son of Mr. Thomas Coulson, master-painter in the Royal Dockyard at Devonport, by Catharine, a daughter of Walter Borlase, of Penzance, surgeon. Bentham, becoming acquainted with Mr. Coulson, employed him as a secretary, and it was probably through Bentham's influence that he became a reporter on the staff of the *Morning Chronicle*—which, said Bentham, was his making—and began a prosperous journalistic career, described in the above-mentioned source of this paper. At a later time he determined to study for the Bar, to which he was called at Gray's Inn on the 26th of November, 1828, having been admitted a member of that society in 1813; he was made a Queen's Counsel in July 1851, a Bencher of his Inn in November of the same year, and Treasurer in 1853.

Mr. Coulson was a pupil of Mr. Senior (above, No. 18), and after the latter was made a Master in Chancery, occupied his chambers at 7, New Square, Lincoln's Inn. Among his pupils were—

Mr. Robert Lowe, afterwards Viscount Sherbrooke.

Mr. C. T. Simpson, now a Bencher of Lincoln's Inn, and for many years a Member of the Institute.

Mr. Arthur John Wood.

His Honour the late Judge Hughes, author of "Tom Brown's School Days."

Mr. Willoughby J. G. Loudon, who has lately retired from the Institute.

Mr. Coulson was for a long period Counsel to the Home Department, where his labours, though not generally known, were highly appreciated by the leading politicians of the time. In performance of the duties of that post he drew for the Department Bills which with all others promoted by the Government, would now be prepared in the office of the Parliamentary Counsel—an officer of the Treasury, of whom the first, appointed in 1869, was Mr., now Lord, Thring, K.C.B. Mr. Loudon says that the earlier Copyhold Acts were prepared by Mr. Coulson. The Irish Encumbered Estates Act also was drafted by him, in conjunction with Lord (then Sir John) Romilly, and Mr. Hodgkin (above, No. 20), and was styled by Earl (then Lord John) Russell, an admirable tribute to their constructive skill. It has been said that "when the great change in the administration of Indian affairs

was effected, the duty of collecting information on its laws and of drawing up a legal code was offered to Coulson," but, preferring to stay in London, he declined the task. As Sir Frederick Pollock, now a member of the Institute, has suggested, a more exact statement of what Mr. Coulson was asked to do is desirable, but the compiler has been unable in the time at his disposal to learn more.

In his early life Mr. Coulson was on intimate terms with many of the chief literary men in London. He was a frequent guest of Charles Lamb. Crabb Robinson called him "a prodigy of learning," and Cowden Clarke gave him the sobriquet of "The Walking Encyclopædia." Procter (below, No. 39) spoke of him as "The Admirable Coulson." He was godfather to Hazlitt's first child, and Leigh Hunt, Barham, T. L. Peacock, James Mill, and Francis Place (the Westminster reformer) were, it is said, among his friends. A review by Mr. Coulson, of James Mill's "History of India," appeared in the *Edinburgh Review*; and John Stuart Mill's earliest publications appeared in the *Traveller*, then edited by Mr. Coulson.

He is also said to have contributed an article of great merit to the *Parliamentary History and Review*, started about 1825 for the publication of debates in a classified form. He was a member of the Political Economy Club from 1823 to 1858, and an active Royal Commissioner for the Exhibition of 1851. He had an estate near Maidstone, and in a cottage

on it Mr. John Black, the editor of the *Morning Chronicle*, lived from 1843 to 1855.

Mr. Coulson died at North Bank, St. John's Wood, November 21st, 1860, and was buried at Kensal Green. He left no child. Mr. William Coulson, the eminent surgeon, was his younger brother.

[*Authorities* : Law Lists ; Registers of Gray's Inn ; "Dictionary of National Biography" ; Bentham's "Works," vol. x., p. 573 ; Douthwaite's "Gray's Inn." Letters from Lord Thring, Mr. W. J. G. Loudon, and Mr. C. T. Simpson.]

No. 34.

WILLIAM HAYES.

Elected 1842; died 1871.

MR. HAYES was educated at the Charterhouse. From the year 1813 he practised as a certificated conveyancer, and was called to the Bar at the Middle Temple in Michaelmas Term, 1818. His Chambers were, in early years, in the Cloisters in the Temple and afterwards at 4, New Square, Lincoln's Inn. Mr. Hayes was one of the conveyancers who answered the Circular of the Real Property Commissioners on Registration, and was examined by them. He was also one of the first six conveyancers of the Court of Chancery appointed by Lord Chancellor St. Leonards in 1852, and continued to hold the appointment till his death.

Among Mr. Hayes' pupils was :—

Mr. John Warner (below, No. 44).

Mr. Thomas Jarman, the author of the "Treatise on Wills," and the editor of "Bythewood's Conveyancing," and also one of the first six Conveyancers of the Court, was a great friend of Mr. Hayes. "They were wont,"

the latter is said to have written, "to discuss points and settle them very much to their own satisfaction, and eventually, in some instances, to the satisfaction of the judicature at Jack Straw's Castle, the Woodman of old Norwood, and on the Cotswold." Lord Langdale described him as "the most far-seeing lawyer ever known," and a biographer of him in the *Times* wrote:—"A shrewd and genial worldly wisdom was always at hand to inform and guide his professional judgment; his tact and discretion to prevent him from degenerating into crotchets."

Mr. Hayes lived at Upper Norwood, and when dining alone in London often walked home, where his wife sat up for him. Mr. Burrows writes:—"It was he who mainly kept the club sitting till midnight almost, and then, as I lived at Croydon and he at Norwood, we went as far as that together, unless he intended to walk all the way, which he occasionally did, and then from the time we got into the cab for the station until I turned him out at Norwood, as otherwise he would probably have gone on, he talked abtruse points of law, continuing for the benefit of the porters after getting out of the railway carriage until my train went on." Mr. Howe's testimony to the kindness of Mr. Hayes, as well as Mr. Christie (above, No. 28), is printed above in the account of Mr. Christie.

Mr. G. H. Blakesley, now a Member of the Institute, has in his possession a letter written by Mr. Hayes in January, 1868, to Mr. Blakesley's

father, the late Dean of Lincoln, then Canon Blakesley, in which he describes a course of reading proper for Mr. Blakesley, then about to begin the study of law. Mr. Hayes was making up (he wrote) a packet, containing, among other things, his "Popular View of the Law of Real Property" and his "Elementary View of the Common Law, Uses, Devises, and Trusts," the reading of which he thought should be preceded by the perusal of Watkins's "Principles of Conveyancing," the second volume of Stephens's "Blackstone," and Joshua Williams's "Real Property." "We do not," he said, "now much trouble ourselves with Coke-Littleton law; all that is worth knowing having been transferred into modern treatises." He suggested a year with a conveyancer and half a year with an equity draftsman, or one year with a man like Charles Hall (below, No. 80), eminent in both. In the same letter Hayes referred to the "Act for the Amendment of the Law of Real Property" (8 and 9 Vict., c. 106), prepared by H. B. Ker (below, No. 67), W. Hayes, and J. H. Christie (above, No. 28), at the request of Lord Lyndhurst, "for which we were recouped in full by a round table dinner in a wainscoted room painted by Great Seal's father, and of which so little care was taken in its passage through the Houses that an Irish member was allowed to foist in a clause which even St. Patrick could not expound." "Of the Wills Act" (1 Vict. c. 26), he added—"I can vouch for the fact—one of the

Courts at Westminster not many years ago had only heard."

Mr. Hayes was the author of the following works:—

"An Inquiry into the Effect of Limitation to Heirs in Devises of Real Estates" (1824).

"Principles for Expounding Dispositions of Real Estate to Ancestors and Heirs in Tail, Parent, and Issue," etc. (1829).

"The Concise Conveyancer," 12mo., 1830; 2nd edition (by Mr. W. B. Coltman, now a member of the Institute), 1864; 3rd edition, 8vo, 1869; 4th edition, 1882.

"A Popular View of the Law of Real Property, with reference to a General Register" (1831).

"An Introduction to Conveyancing," 2nd edition, 1835; 4th edition, 1839; 5th edition, 1840. This work was in the above-mentioned letter to Dean Blakesley described as an expansion of the "Popular View," and as having, in consequence of a bookseller's feud and an editor's breakdown, stuck at the fifth edition, and being out of print.

"Concise Forms of Wills, with Practical Notes," 1st edition, 1835; 4th edition, 1849; 5th and 6th editions (Mr. Badger-Eastwood, below, No. 65), 1860; 7th, 8th, and 9th editions (Mr. Dunning, below, No. 96); 10th edition (Mr. Megone), 1893.

"An Elementary View of the Common Law, Uses, Devises, and Trusts, with Reference to the Creation and Conveyance of Estates" (1840).

In the *Law Magazine and Review* for Feb., 1861, there is a notice by Mr. Hayes of a memoir of his friend Mr. Jarman.

In 1865 a poem, "The Lost London," and a "Specimen of a Liberal Rhymed Version of the 'Iliad,' with Scholia," from Mr. Hayes's pen, were privately printed by Clowes & Sons.

From about the year 1855 Mr. A. B. Dickson, formerly a member of the Institute, assisted Mr. Hayes in the conduct of his practice.

On the 31st January, 1871, Mr. Hayes died suddenly while at breakfast. He was 80 or 81 years of age, and retained his faculties to the last. He married a daughter of Mr. Polhill Kell, a solicitor at Lewes, and they had two daughters. Mrs. Hayes survived both her husband and her elder daughter—who died in January, 1874—and lived until the 11th October, 1892. The younger daughter of Mr. Hayes married the Rev. Frederick Fisher, Rector of Downham, Cambridgeshire. Their eldest son, Mr. William Hayes Fisher, of the Inner Temple, is Member of Parliament for Fulham and a Junior Lord of the Treasury.

[*Authorities*: Law Lists; 2nd Rep. of Real Property Comms., App. 54, 354; *Solicitors' Journal*, February 11th, 1871, p. 272; *Law Times*, February 11th, 1871; Letters, November 10th, 1893, from Mr. Williams, 32, Lincoln's Inn Fields, from Mr. Alexander Brodie, and Mr. Armitstead.]

No. 35.

NATHANIEL NATHAN BASEVI.

Elected 1842; retired 1854.

MR. BASEVI, who was a son of Mr. George Basevi, of Brunswick Square, Brighton, a magistrate and Deputy-Lieutenant for Sussex, and his wife Adelaide, whose maiden name was Lindo, was born in 1793. His father's sister, Maria Basevi, became the wife of Isaac D'Israeli and the mother of Benjamin D'Israeli, afterwards Earl of Beaconsfield. Mr. Basevi's younger brother, George, was the well-known architect; one of his sisters, Adelaide, married Mr. Tycho Wing, of Thorney Abbey, in the Isle of Ely, steward of the Duke of Bedford's Fen estates, and another, Marian, Mr. Vincent Stuckey Reynolds, of Taunton, a magistrate for Somerset, and a partner in the banking firm of Stuckey & Company. Their daughter, Emma Louisa, became the wife of His Honour Camille F. D. Caillard, Judge of County Courts, Circuit No. 52.

Mr. Basevi was educated at Balliol College, Oxford; matriculated at the age of 18, May 18th, 1811; took his B.A. degree in 1814, obtaining a 2nd class in Litt. Hum.; his M.A. in 1817; was called to the Bar at Lincoln's Inn on February 11th, 1819; and was a pupil of Sanders.

For many years Mr. Basevi acted as conveyancing counsel in the affairs of the Dukes of Bedford and Sutherland and the Earl of Ellesmere.

Among his pupils were :—

The Earl of Beaconsfield.

Mr. John Walter, of Bearwood.

His Honour Camille Felix Desiré Caillard, until lately [1899] Judge of County Court, No. 52.

Mr. C. Manley Smith, a Master of the Supreme Court of Judicature.

Mr. John Fish Pownall (below, No. 72).

Mr. Pownall recollected how, while Walter was Basevi's pupil, the two used almost daily to discuss the then new poor-law, of which the *Times* was always an opponent, while Basevi admired Senior (above, No. 18), and his views.

On December 27th, 1824, Mr. Basevi married, at Hartlebury, Miss Louisa Eliza Orange. They had no child, and lived at Highgate until after Mr. Basevi's retirement, when he took a house in, Mr. Pownall thinks, Monmouthshire. One of his amusements was rose cultivation.

Mr. Basevi died at Torquay on December 9th, 1869, and Mrs. Basevi at Eastbourne on November 14th, 1885.

[*Authorities* : Letters from Judge Caillard, Col. C. E. Basevi, and Mr. Thomas T. Wing ; Note by Mr. J. F. Pownall ; " Dictionary of National Biography," under George Basevi ; " Isaac D'Israeli" ; Foster's " Alumni Oxoniensis," 1715—1886, vol. i., p. 71 ; Registers at Lincoln's Inn.]

No. 36.

JOHN WILSON.

Elected 1842; died 1861.

MR. WILSON, a son of Mr. Wilson, a solicitor at Lancaster, was born there about 1796. He is believed to have been educated at Richmond School, in Yorkshire, but did not enter either University. In Hilary Term, 1828, he was called to the Bar at Gray's Inn.

Among Mr. Wilson's pupils were :—

Mr. James Sheil, the Police Magistrate at Westminster.

Mr. William Robert Bruce, one of the Masters of the Queen's Bench in Ireland.

Mr. Walter Deeble Boger.

Mr. Sheil describes Mr. Wilson as a very amiable man, and a first-rate real property lawyer. He thinks it was only his retiring habits which prevented his making a great name for himself.

Before his marriage Mr. Wilson lived in chambers in Gray's Inn; in 1828 he married Miss Julia Startin, and had three children, all daughters. Of these one is now the wife of Mr. Fielding Nalder, who lately retired from practice at the Equity Bar. After his

marriage Mr. Wilson lived successively in Mecklenburg Street, Mecklenburg Square, and Old Quebec Street, Portman Square, then for some years at Kilburn, and last at Westerham in Kent, where he died on December 31st, 1861.

[*Authorities*: Law Lists: Letters from Mr. F. Nalder, April 21st, 1895; Mr. Robert Walker, February 1st, 1898; Mr. Sheil, February 2nd, 1898.]

No. 37.

ANTHONY JOHN ASHLEY.

Elected 1843; retired 1857.

THE HONOURABLE ANTHONY JOHN ASHLEY COOPER, like other members of his family, appears to have dropped the use of the name Cooper. He was a younger son of the sixth Earl of Shaftesbury, who for a long time was Chairman of Committees in the House of Lords, and whose eldest son, the seventh Earl, was the well-known philanthropist of the middle of the nineteenth century. Mr. Ashley was born on December 21st, 1808, was educated at Christchurch, Oxford, was M.P. for Gattton 1831-32, became a pupil of Mr. John Hodgkin (above, No. 20), and was called to the Bar at the Inner Temple on June 10th, 1836. He conducted a considerable practice as a conveyancer and some business as an equity draftsman, at 3, New Square, Lincoln's Inn, and subsequently at 32, Lincoln's Inn Fields, though he appeared but seldom in Court. On March 17th, 1840, Mr. Ashley married Julia, eldest daughter of Henry John Conyers, of Copt Hall, Essex, Esq. Together with Mr. H. H.

White (above, No. 21) and the Right Honourable Sir William (then Mr.) Vernon Harcourt, Mr. Ashley was, in January, 1866, promoted to the rank of Queen's Counsel. He died January 1st, 1867.

Authorities : Burke's "Peerage"; Law List, 1861, 1866; 11, *Solicitors' Journal*, p. 210; *Law Times*, January 5th, 1866; Minutes of The Institute; Notes on proofs by Mr. A. Brodie and Sir R. J. Cust.]

No. 38.

JOHN HUBBERSTY MATHEWS.

Elected 1843 ; retired 1873.

MR. MATHEWS, second son of John Mathews, of North Shields, Esquire, and then aged twenty-two, was admitted as a member of Lincoln's Inn, April 26th, 1819, and called to the Bar at that Inn May 28th, 1824. He migrated to the Middle Temple December 9th, 1835, and had chambers at 16, Old Buildings, Lincoln's Inn, and in and after 1839 at 2, Essex Court.

Mr. Mathews was the author of two valuable works: one, "A Treatise on Presumption and Presumptive Evidence as affecting the title to Real and Personal Property," published in 1827, and the other, "A Treatise on the Law of Portions," published in 1829.

Mr. Mathews lived at Highbury, near London, and died July 30th, 1886.

[*Authorities* : Lincoln's Inn Register ; Law Lists ; Notes by Mr. Burrows and the late Mr. Brickdale, a member of the Institute.]

No. 39.

BRYAN WALLER PROCTER.

Elected 1843; retired 1845.

MR. PROCTER, born November 21st, 1787, was descended from a family of small farmers resident in Yorkshire or Cumberland. His father came to London and "ventured for a short period on some species of merchandise," but some "bequest or other accident of luck," as his son described it, enabled him to subside into a private station. He sent Bryan to Harrow, where he was a schoolfellow of Byron and Peel. It was while a Harrow schoolboy that, spending his holidays in the country house of his mother's uncle, he received from an unusual source his first stimulus to the study of English authors. A servant in that house was the daughter of a man who had failed financially; she was endowed with an acute intellect, and had cultivated her taste for reading, and she first taught Procter to know and love Shakespeare. When he left school his father articed him to a Mr. Atherton, a solicitor, at Calne, in Wiltshire. In 1807 he appears to have come to London and applied himself to literature

as a profession. In 1816 the elder Procter died, and in the same year his son, the subject of this memoir, was reading with Mr. Thomas Cribb, a conveyancer. Soon afterwards he was in partnership with Mr. Slaney, a solicitor. In or before 1820 his partnership was dissolved, and in 1824 he married Miss Skepper, a daughter of Mrs. Basil Montagu, and a descendant, it is said, of the second partner in the famous firm of printers, Fust & Scheffer. Three years previously Procter had, with the aid of Charles Kemble and Macready, brought out his play *Mirandola*, which was performed for sixteen nights at Covent Garden. He was himself at one time a constant playgoer. Jeffrey, who attributed to him a high place as a poet, asked him to contribute regularly to the *Edinburgh Review*, but he wrote only two or three articles.

After his marriage Procter returned in earnest to the profession of the law, beginning as a conveyancer and receiving his first business from his old friend Mr. John Jenkyns, of Red Lion Square. Mr. and Mrs. Procter at first resided in the upper part of a house in Southampton Row, but in 1825 went to live with Mr. and Mrs. Basil Montagu, at 25, Bedford Square. Procter's work increased rapidly, and he often sat up two entire nights in a week to accomplish it. He had pupils to the number of between forty and fifty, including among them

Mr. Arthur W. Kinglake,
Mr. Eliot Warburton,

afterwards his lifelong friends. He was called to the Bar at Gray's Inn on May 4th, 1831, and in 1832 closed his career as a poet by publishing the "English Songs." In the same year he accepted the office of Metropolitan Commissioner of Lunacy, an appointment made for a year only, but annually renewed until 1842, when he was nominated as a member of the permanent commission then constituted. Until that change was made he had been able to practise as a conveyancer, but afterwards his official work became incompatible with the continuance of his private business. The short period of his membership of the Institute must have nearly coincided with that of the first three years after his ceasing to practise as a conveyancer. He continued to hold his office as a paid commissioner until 1861, when he must have been in his seventy-third or seventy-fourth year. Then he retired with a pension from active service, but remained an honorary commissioner till his death on October 4th, 1874, at nearly the close of his eighty-seventh year. He was buried in Finchley Cemetery, where a headstone marks the spot.

A memoir of Mr. Procter was published in 1877, without any further disclosure of its authorship than the appendage to the preface of the initials C. P. It was the work, with Mrs. Procter's assistance, of Mr. Coventry Patmore, and contains interesting matter from his pen, as well as a fragment of autobiography and many other valuable pieces in prose

and verse of Mr. Procter's own writing. Living in the social circle of the Basil Montagus which, on their deaths, presumably merged in that of the Procters, the former member of the Institute had a very wide acquaintance among the men eminent in literature and art who flourished in the course of his long life. Of some of them valuable appreciations and criticisms by Mr. Procter are preserved in Patmore's volume. Concerning Mr. Procter himself, Mr. Patmore writes : " No one who has passed an hour in the company of Charles Lamb's 'dear boy' can ever lose the impression made upon him by that simple, sincere, shy, and delicate soul. His small figure, his head, not remarkable for much besides its expression of intelligent and warm goodwill, and its singular likeness to that of Sir Walter Scott, his conversation, which had little decision or 'point' in the ordinary sense, and often dwelt on truths which a novelty-loving society banishes from its repertory as truisms, never disturbed the effect, in any assemblage, of his real distinction. His silence seemed wiser, his simplicity subtler, his shyness more courageous, than the wit, philosophy, and assurance of others."

Madame Belloc's paper, entitled "Montagus and Procters," in her volume entitled "In a Walled Garden," contains a very charming account of the two families, and the two stately women—mother and daughter—who presided over their two households. Of Mr. Procter himself, after noticing some lines written to his wife and the "exquisite tribute to his

dead boy," Madame Belloc adds: "But nothing in his gentle, reserved face betrayed in later life the interior fire." She also notes a letter in which he, the poet and the lover of Italian art, wrote regretfully that he had never been abroad, never seen Italy or France.

Mr. Procter had two sons. It was upon the death, at the age of six, of the second that he wrote the poem Madame Belloc mentions. The elder, Montagu, survived, became a soldier, and was in the Indian Mutiny, during which he escaped from Delhi with a few others, including some ladies, whom the men had to drop from the very high wall of the fort. Some years later Montagu Procter married one of these ladies, and ultimately rose to the rank of a general officer. Of Mr. Procter's four daughters one was Adelaide Anne Procter, whose poems had for years a larger sale than any others, save Tennyson's.

Mr. Bryan Waller Procter was known less by his proper names than by those of Barry Cornwall, which, with that of Peter, constitute an anagram of his family and Christian names, and under which all his works were published. They were numerous, and an account of them and other sources of information concerning their author is contained in Allibone's "Dictionary of English Authors."

[*Authorities*: "Bryan Waller Procter, an Autobiographical Fragment and Biographical Notes," G. Bell & Sons, 1877; Madame Belloc's "In a Walled Garden," pp. 161, 172; "Dictionary of National Biography," *sub nom.* Procter, B. W.]

No. 40.

JOHN MEASURE.

Elected 1845 ; retired 1862.

MR. MEASURE, second son of Brabius Measure, of Pinchbeck, Lincolnshire, gentleman, born at Moulton, near Spalding, Lincolnshire, was admitted a member of Lincoln's Inn November 19th, 1819, and called to the Bar by that Society November 25th, 1825. He practised as a conveyancer at 4, Serle Street, and also held chambers at 26, Old Buildings.

Mr. Alexander Brodie writes that Mr. Measure was Butler's last pupil, and was also a pupil of Mr. Rolfe, afterwards the Lord Chancellor Lord Cranworth. His Honour Judge Stonor, a grandson of Butler, doubts whether the latter statement is, though he thinks it not unlikely to be, correct, Rolfe having been a pupil of Butler, as also were Mr. Brodie (above, No. 2), Mr. Duval (above, No. 31), and Mr. Walters (above, No. 8).

Mr. Measure assisted Mr. Butler in his very large business for several years, and Mr. Butler had the greatest confidence in him in every respect, and recommended him to his clients. Some of

them continued to consult Mr. Measure till his retirement. He had always a great deal of business from the neighbourhood of the place in which he was born. Judge Stonor describes him as a most accurate draftsman and excellent real property lawyer.

Mr. Measure made a communication to the Real Property Commissioners, and answered their Circular on Registration.

Among Mr. Measure's pupils were :—

His Honour Judge Stonor.

The late Mr. Samuel Brandram.

Mr. P. A. Kingdon.

Sir John Bridge, Police Magistrate at Bow Street.

His Honour Judge Ellison, of the Sheffield County Court.

The late Sir John Salusbury Trelawny, Bart., M.P. for Tavistock and East Cornwall.

The late Mr. Wilfred Brett, Barrister-at-Law, a brother of the Master of the Rolls, Lord Esher, and Secretary to Lord Romilly, M.R.

The late Mr. John King, Barrister-at-Law, and Registrar of the Bankruptcy Court at Exeter.

Mr. Archibald Hanbury, of The Albany and New Broad Street.

In 1861, shortly before Mr. Measure retired from the Institute, he bought a house and small estate called Sherwoods, at Hartley Wintney, Hants.

He married a daughter of Sir Sigismund Smith and sister of Sir Frederick Smith, M.P. for Chatham, and Mr. Leicester Smith, who assumed the name of Vernon, and was M.P. for Berks.

Mr. Measure died without issue on November 25th, 1882.

He gave a window to the beautiful church of Moulton, his birthplace.

[*Authorities*: Law Lists, 1861; "Lincoln's Inn Register"; Real Property Commissioners' 1st Report, App. 605; 2nd Report, App. 70; Letters from His Honour Judge Stonor and Mr. A. Brodie; Notes from an abstract of title.]

NO. 41.

ALEXANDER HALDANE.

Elected 1845; retired 1856.

MR. HALDANE was heir male of the family of Haldane of Gleneagles, one of great antiquity in Scotland. In 1296 Aylmer de Haldane of Gleneagles was one of the barons who swore fealty to Edward I. of England, and Nisbet, in his "Remarks on the Ragman Roll," asserts that the Haldanes were even then barons of considerable consequence. In 1460 Sir John Haldane of Gleneagles, Lord Justice General of Scotland beyond the Forth, married Agnes Menteith, of Ruskie, one of the two coheiresses of Duncan, the last of the ancient Earls of Lennox.

Mr. Haldane's father, James Alexander Haldane, was a younger brother of Robert Haldane, of Airthrey. Those brothers, after beginning life as sailors—the elder as an officer in the Royal Navy, and the younger as one in the service of the Honourable East India Company—both left those occupations and devoted the rest of their lives and much of their fortunes to religious work, in co-operation, not only with the Presbyterians, among whom they were bred, but also with members of the Evangelical party in the Church of England and with Evangelical Nonconformists. In those works they were very

active, very generous in their expenditure, very widely known, and very highly respected; and of their lives Mr. Haldane, the former member of the Institute, wrote a memoir—a work of which nine editions were published in this country. In America it is said to have had a still wider circulation.

Mr. Haldane himself appears to have been of a school of religious thought not very dissimilar from that of his father and uncle, but he was a member of the Church of England.

Mr. Haldane was born on October 15th, 1800, in Edinburgh, and was educated at the High School of that city. There his intellectual energy was stimulated by Professor Pillans, who has been described as "the precursor of Dr. Arnold, of Rugby." Afterwards, during a period of delicate health, he was under the care, at Wintringham, in Lincolnshire, of the Rev. Mr. Grainger, who had been tutor to Henry Kirke White. Still later Mr. Haldane studied and distinguished himself in the University of Edinburgh. In 1822 he married Emma Corsbie, the youngest daughter of Mr. Joseph Hardcastle, of Hatcham House, near New Cross, now embraced by London, but then in a country of meadows and elms. Mr. Hardcastle was a prominent layman among the leaders of the Evangelical revival at the end of the last century. On June 9th, 1826, Mr. Haldane was called to the Bar at the Inner Temple, of which he had been admitted a member May 23rd, 1821. He was a pupil of Brodie (above, No. 2), and

took chambers at 4, Carey Street. Soon after his call he was engaged as junior to Lord (then Henry) Brougham in a Scottish appeal to the House of Lords, and won Lord Eldon's expressed approval; but eventually he decided to practise as a conveyancer only, and in that capacity became well known. More than once he was associated with his intimate friend, Dr. A. J. Stephens, Q.C., in advising upon ecclesiastical questions.

Mr. Haldane bore a striking likeness to his mother's uncle, Sir Ralph Abercromby, the victor of Alexandria. He was one of the proprietors of the *Record* newspaper, to which he contributed many articles and reviews, and was an intimate friend of the sixth and seventh Viscounts Midleton and the seventh Earl of Shaftesbury. During Lord Palmerston's administrations he undoubtedly exercised much influence upon ecclesiastical appointments. In a controversy which at one time divided the members of the committee of the British and Foreign Bible Society upon the question whether the Apocrypha should be circulated by the Society, Mr. Haldane led a successful opposition to such a treatment of the uncanonical books. He and Mrs. Haldane were among the first to have drawing-room meetings for religious and benevolent objects. From an early period of his life Mr. Haldane was in the habit of attending important debates in Parliament, and after Lord Shaftesbury's succession to his peerage so constantly attended at the House of Lords that a

place in a part of the House open to strangers was usually reserved for him. The late Mr. Horsman was largely indebted to him for the materials of his speeches on the reform of the Ecclesiastical Courts.

In 1867 Mr. Haldane lost his wife, and in 1871 his son-in-law Mr. Corsbie. Mrs. Corsbie then returned to live with her father, who after enjoying a vigorous old age, died in his eighty-second year, on July 19th, 1882. Mr. Haldane's only son is the Right Reverend James Robert Alexander Chinnery-Haldane, Bishop of Argyll and the Isles, who is now the head of the family of Haldane of Gleneagles, and on his marriage in 1864 with Anna Elizabeth Frances Margareta, only child of the Rev. Sir Nicholas Chinnery, Bart., of Flintfield, co. Cork, assumed by Royal licence the additional surname and arms of Chinnery. Mr. Richard Burdon Haldane, Q.C., M.P., is a nephew of Mr. Alexander Haldane, being the son of Robert Haldane, of Cloanden, near Gleneagles, Perthshire, by his second wife, Mary Elizabeth, a daughter of Mr. Richard Burdon Sanderson, of Otterburn and West Jesmond, Northumberland, and a grandson of James Alexander Haldane, the father of the subject of this sketch.

[*Authorities*: Law Lists; Note by Mr. Burrows; Communications by the Bishop of Argyll and the Isles; "Lives of Robert and Jas. Alex. Haldane," 2nd edition, 1852; "Biographical Sketch of Alexander Haldane," London, Spottiswoode & Co.; Hodder's "Life of 7th Earl of Shaftesbury," vols. ii. and iii.]

No. 42.

RICHARD MORGAN.

Elected 1845.

MR. MORGAN was admitted a member of Lincoln's Inn May 3rd, 1811, was called to the Bar at the same Inn February 11th, 1819, and practised at 4, New Square as a conveyancer. He died at his chambers of an attack of cholera on September 8th, 1849.

[*Authorities:* Law Lists; Mr. Burrows' and Mr. Brodie's Notes and Register Book of Lincolns' Inn.]

No. 43.

MARCUS MARTIN.

Elected 1845.

MR. MARTIN, born April 19th, 1803, was the third son of the Rev. Samuel Martin, for fifty-three years Rector, after an immediately preceding six years curacy, of Warsop, Notts, by Selina, daughter and coheiress of Francis Beresford of Osmaston, near Ashbourne, Derbyshire. He was educated at Rugby, where he was captain of the cricket eleven, all his five brothers being also members of it. Of them, the best known, Francis, was for many years Bursar and afterwards Vice Master of Trinity College, Cambridge. The fifth son of the Rector of Warsop was Mr. John Martin, who became a solicitor. He never married, and spent a long life partly in the practice of the law, but more and without relaxation in the promotion of education and the support of many educational and religious societies. In his later days he became widely known as the promoter of the celebrated suit, *Martin v. Mackonochie*, but he would not "consent to the imprisonment of Mr. Mackonochie," and for some years before his death had withdrawn from the Council of the Church Association.

On April 15th, 1825, Mr. Martin, the Member of the Institute, was entered as a student of the Middle Temple. He read in the chambers of Mr. Tyrrell and Mr. Duval (above, Nos. 4, 31), and was called to the Bar May 21st, 1830. On March 24th, 1831, he married Harriet Mary, only child of John Stapleton, of Calcutta; by whom he had two sons and five daughters. Both of his sons were called to the Bar. The elder died many years since, a bachelor. To the younger, Mr. Stapleton Martin, B.A. Cambridge, of The Firs, Nortón, near Worcester, who does not practise, The Institute is indebted for the chief part of this memoir. Of Mr. Martin's daughters, the only married one is the wife of Archdeacon Long, of Bishopwearmouth Rectory in the county of Durham. Mr. Martin died in London on the 17th of August, 1885, and Mrs. Martin on the 27th of August, 1888.

Mr. Martin enjoyed a most successful career at the Bar as a conveyancer, having very early gained a practice, an acquisition which he traced to a friendship formed in the cricket field with Mr. Harrison, the solicitor of Bedford Row. Messrs. Few, of Henrietta Street, Covent Garden, were also clients of Mr. Martin, and through them he acted as conveyancing counsel for many members of the English Catholic nobility, including the Duke of Norfolk, Lord Howard of Glossop, Lord Stafford, and Lord Petre. His son says that Mr. Martin acted in the like capacity for the Ecclesiastical Commissioners, and drew several of their Bills, and

also for the Royal Exchange and Union Insurance Companies.

Among Mr. Martin's many pupils were :—

The Hon. Sir Ford North, now (1899) a Justice of the High Court of Justice, Chancery Division.

The Right Hon. Sir Richard Garth, formerly Chief Justice of Bengal.

The late Mr. Droop, a Fellow of Trinity College, Cambridge.

Sir Lewis Morris, the poet, Knight Bachelor and Knight of the Order of the Redeemer of Greece.

The Right Hon. Robert William Hanbury, M.P.

Sir Christopher Robert Lighton, Bart.

Mr. Henry Millett, late first Judge of the Small Cause Court, Calcutta.

Mr. Henry Fellows.

Real property law questions were often submitted to Mr. Martin, and Mr., afterwards Vice Chancellor Sir, Charles Hall (below, No. 80) jointly, solicitors regarding their concurrent opinions with as great respect as a judicial decision.

Mr. Martin printed for private circulation a volume of poems, entitled "Short pieces in Rhyme, chiefly Religious, Charades, Translations into Latin," and he was a collector of coins, a botanist, and very fond of architecture. He read Virgil and Horace until quite the end of his life.

In his early days, like most of his family, he was fond of shooting and fishing, and was a Waltonian in sentiment as well as in act. He used to fish in the Dove river in Derbyshire, which runs through property his ancestor Charles Cotton—the friend of Izaak

Walton and co-editor with him of "The Compleat Angler"—had inherited through the ancient family of Beresford. He agreed with Dr. Johnson that the "preservation and elucidation" of Walton was "a pious work," and whenever an opportunity occurred enjoyed picking up all old editions of his fascinating book.

But for many years all his spare time was occupied in diligently visiting the poor in the neighbourhood of Lincoln's Inn, and in attending to the many religious matters in which he was interested. He was most generous to the needy and a liberal supporter of many religious societies. He belonged to the Evangelical party, and when his lifelong friend the Rev. and Hon. Baptist Wriothsley Noel left the Church of England, Mr. Martin followed him and became an attendant at the Baptist Chapel in John Street, Bedford Row, of which Mr. Noel was appointed Minister.

Several hundreds of persons were present at the funeral service for Mr. Martin in St. George's Church, Bloomsbury, and at the graveside at Kensal Green. A funeral sermon preached in the Chapel in John Street was afterwards published, and in that building unknown to Mr. Martin's family, a monument was erected to his memory.

[*Authorities* : Materials furnished by Mr. Stapleton Martin; Middle Temple Register; Foster's "Men at the Bar." First Minute Book of The Institute; Letters from the Hon. Mr. Justice North, Mr. Hamilton Few.]

No. 44

JOHN WARNER.

*Elected 1845; died 1877.**Fourth Secretary of the Institute, 1870—1877.*

MR. WARNER was educated at Trinity College, Cambridge, and, having become a member of the Inner Temple, was called at that Inn November 26th, 1830. He became a pupil of Mr. Samuel Turner (above, No. 13), and practised at 3, Tanfield Court, and afterwards at 11, King's Bench Walk.

In conjunction with Mr. G. W. Sanders, Mr. Warner prepared the 5th edition, published in 1844, of Mr. F. W. Sanders' celebrated "Treatise on Uses."

Among Mr. Warner's pupils were :—

Mr. Arthur Wellesley Peel, afterwards Speaker of the House of Commons and now (1899) the Right Honourable Viscount Peel.

Mr. Tom Taylor.

Mr. (now Sir Richard) Cayley, formerly Chief Justice of Ceylon.

Mr. (now (1899) The Right Honourable) James Lowther, M.P., Chief Secretary for Ireland, 1878–80.

Mr. (now (1899) The Honourable Sir) Walter George Frank Phillimore, Bart., Q.C., D.C.L., a Justice of Her Majesty's High Court of Justice, Queen's Bench Division

- His Honour F. J. Greenwell*, Judge of County Court Circuit No. 1.
- Mr. Thomas Milvain, Q.C.*, Temp. Chancellor of the County Palatine of Durham, Recorder of Bradford.
- Mr. Edward Bond*, M.P. for East Notts, Assistant Charity Commissioner, 1884-94.
- Mr. J. Hubback*, author of "Evidence of Succession to Real and Personal Property," and "Peerages."
- Mr. James Pearse Peachey*, author of a "Treatise on Marriage and other Family Settlements."
- Mr. Thomas Arthur Nash*, of the Chancery Bar.
- The Honourable Thomas Charles Bruce*, afterwards M.P. for the Elgin Burghs.
- Mr. George William Latham*, Bradwall Hall in, and afterwards High Sheriff of, Cheshire.
- Mr. Richard Doddridge Blackmore, M.A.*, of Exeter Coll., Oxon., Translator into English Verse of the "Georgics" of Virgil, and author of "Lorna Doone," etc.
- Mr. Arthur Joseph Munby, M.A., F.S.A.*, of Lincoln's Inn, Barrister-at-Law, late of the Ecclesiastical Commission Office, and author of "Dorothy," "Vestigia Retrorsum," and other poems.

Mr. Warner lost his wife many years before his own death. He lived in Montague Street, Russell Square, and afterwards, for long before his death, in Leinster Gardens, and left two daughters and a son, Mr. John Gray Warner, who was called to the Bar.

The following description of Mr. Warner is given by an old pupil :—"He was a man liked and respected, so far as I know, by all his pupils, and certainly by me. He was most painstaking and conscientious in his work and with us; a dry man, shrewd and kindly, with a somewhat acid temper, which he kept

in due control, but also with a kind heart and friendly spirit ; a man whose face and manner bore traces of suffering—perhaps from the loss of his wife and several children—and who was clearly a good father and a quiet, domestic person, with intelligent interests outside his own profession.” In appearance Mr. Warner was rather small and bent, with delicate, regular features and mobile mouth ; with soft, thin, curly, iron grey hair, which he had a habit of twitching between his finger and thumb when he was exercised by some knotty point of law.

Another old pupil writes :—“When I entered his chambers, in 1872, Mr. Warner retained a considerable practice, and his pupil-room was full. He was undeniably a first-rate real property lawyer. His drafting was concise and artistic ; infinite carefulness marked all his work. A hard and steady worker, with a fine disregard of relaxation and even of the usual midday interval, he invariably took home for his after-dinner labours as many sets of papers as could be stuffed into the pockets of his frock-coat. I can only recall two occasions on which he was unnecessarily absent from chambers for part of his working day—(1) when, though exceptionally busy, he took a party of children to a pantomime ; and (2) when for the first time he went to see the University boat-race, in which a favourite nephew was rowing. Mr. Warner was at the time of his death

Examiner in Real and Personal Property for the Bar Final Examination, and I remember his warm commendation of a paper sent in by Mr. Asquith, Q.C., the late Home Secretary, as the finest he had ever seen on that subject. During the five years spent by me in his chambers Mr. Warner was never, even in moments of extreme pressure, captious or irritable. No recollection of him would be complete without a reference to his graceful hospitality, which some of his pupils—of whom he had during his career nearly two hundred—were invariably bidden to share, his unfailing consideration for others, and the peculiar charm of his manner. John Warner was both a keen lawyer, and, for those who knew him well, the most lovable of men.”

The same former pupil also writes that the sudden death of his younger son, the Rev. W. H. Warner, a young man of great promise, was a blow from which Mr. Warner never fully recovered; he did not live many months after its occurrence.

Sir Joseph Henry Warner, who was Counsel to the Chairman of Committees of the House of Lords, was a nephew, and probably a pupil, of Mr. Warner. The late Mr. George Sweet, also a former member of The Institute, and Mr. Warner, were great friends.

Mr. Warner's former pupil, Mr. Nash, aided him in the conduct of his business during his last years, and after his death became the owner of

his chambers in King's Bench Walk. Mr. Nash also occupied them until he moved to 8, New Square, Lincoln's Inn.

[*Authorities*: Law Lists; Notes by Mr. Burrows and Mr. Alexander Brodie; Information by Mr. T. A. Nash; Letters by Sir Rich. Cayley and Mr. A. J. Munby.]

No. 45.

HENRY VINCENT SMITH.

Elected 1849; retired 1851.

MR. SMITH was admitted a member of Lincoln's Inn June 30th, 1816, was called to the Bar at Lincoln's Inn November 23rd, 1824. He was a pupil of Mr. Brodie (above, No. 2), and practised as a conveyancer at 5, Stone Buildings. Mr. Smith died March 19th, 1863.

[*Authorities*: Law List, 1842; Letter of Alexander Brodie; Whishaw's "Synopsis of Members of the English Bar."]

No. 46.

WESTON STYLEMAN WALFORD.

Elected 1849; retired 1852.

MR. WALFORD was the fourth son of William Walford, of Stoke, near Clare, Suffolk. He entered at the Middle Temple November 18th, 1823, was called to the Bar on November 27th, 1829, and appears to have practised as a conveyancer at 3, Elm Court, and afterwards, until 1879, at 2, Plowden Buildings, in the Temple. Mr. Walford's name is in the Law List for 1896, and last appeared with the address, 2, Plowden's Buildings, in 1886.

[*Authorities* : Law Lists ; Foster's "Men at the Bar" ; Records of Institute ; Whishaw's "Synopsis."]]

No. 47.

HENRY BACON.

Elected 1849; retired 1856.

MR. BACON, the second son of James Bacon, of Clerkenwell, Esquire, was born in London in the month of September, 1800.

He was educated partly at home, but chiefly by his uncle, who was Rector of Holt, in Norfolk. In law his studies were directed first by his grandfather. Afterwards he became a pupil of Mr. Lawes.

He was entered as a member of the Middle Temple on March 9th, 1822, and, after practising from 1823 to 1831 as a certificated conveyancer, was called to the Bar at the same Inn on June 10th, 1831. From 1823 to 1832 his chambers were at 3, Churchyard Court; from 1832 to 1838 at 2, Pump Court, both in the Temple, and afterwards at 2, Stone Buildings, Lincoln's Inn.

While still under the Bar Mr. Bacon had communicated to the Real Property Commissioners "Propositions for the Improvement of the Law of Real Property," and answered their "Circular on the Registration of Assurances."

Among Mr. Bacon's pupils were :—

The Right Honourable Sir George Markham Giffard,
a Lord Justice of Appeal in Chancery, who afterwards read with Mr. Brodie (above, No. 2).

Mr. James Russell, Q.C.

His Honour Judge Francis Bacon, third son of the Vice Chancellor.

Mr. Bacon never married, and led an almost recluse life, working very hard. He lived in chambers in Gray's Inn and at the Garrick Club, on Sundays usually visiting his brother the Vice Chancellor. Having realised a modest competency, he retired from practice in 1858 and went to live at Brighton, where, in September 1868, he died.

Mr. Henry Bacon's eldest brother, the Right Honourable Sir James Bacon, P.C., born February 11th, 1798, called to the Bar in 1822, appointed Q.C. 1846, a Commissioner in Bankruptcy 1868, Chief Judge in 1869, and Vice Chancellor in 1870, only in 1886 retired from the Bench, on which he was the last who sat with the title of Vice Chancellor. He was then sworn of the Privy Council and died June 1st, 1895.

[*Authorities* : Notes by Mr. Burrows and Mr. A. Brodie ; Real Property Commissioners' 1st Report, App. 597 ; 2nd Report, App. 60 : " Law Reports," 12, App. Cas. xii. ; Foster's " Men at the Bar," 1885 ; Letter from His Honour Judge Bacon, March 11th, 1897.]

No. 48.

MILES HAMMETT PRANCE.

Elected 1850; retired 1858.

MR. PRANCE was the youngest son of the late Wm. Prance, Esq., of Plymouth, and was born in that town in the year 1800. He was educated at a private school in Devonshire, and, having chosen the profession of the law, came to London and read in the chambers of Mr. Samuel Turner (above, No. 13). He commenced practice as a certificated conveyancer in 1826, was called to the Bar at Gray's Inn November 26th, 1831, and obtained business very early, his connection steadily increasing. Mr. Prance started in life without professional interest, but he nevertheless was largely indebted for much of his early business to a fellow student, who transferred to Mr. Prance's hands the cases with which he had himself been entrusted. On the strength of these prospects he married, in 1830, Mary, daughter of Benjamin Rooke, Esq., of Appledore, in Devonshire. With this fresh motive to industry he increased his exertions, and with the exception of one year, when his health broke down, he worked steadily and

hard to the end. Many years before his death it was intimated to him that he might become a Bencher of the Honourable Society of Gray's Inn, but this honour he declined. His chambers were much sought after by pupils, partly from the amount and variety of business to be seen there, and partly, to use the words of some of them who presented him with his portrait in 1846, "from his uniform kindness and urbanity, and his great anxiety to assist them in acquiring a knowledge of their profession." He had during his career upwards of one hundred pupils. Among them were :—

The late Right Honourable T. E. Headlam, Q.C., Judge Advocate-General in Lord Palmerston's administration of 1859.

The late Sir James Fitz-James Stephen, Bart., K.C.S.I., formerly Legal Member of Council in India, and afterwards a Justice of the High Court of Justice.

Mr. (now (1899) *Sir*) *F. S. Powell, Bart.*, formerly M.P. for Cambridge, and now for Wigan.

The late *Mr. F. W. Gibbs, C.B., Q.C.*, formerly tutor to H.R.H. the Prince of Wales.

About two years before Mr. Prance's death, in consequence of failing health, he refused new clients, and being anxious that no one should suffer by his leaving incomplete anything he had begun, he a few days before his death finished all the papers in his chambers and retired from practice.

Mr. Prance's favourite relaxation, to which he devoted many of his early vacations, consisted in making himself acquainted with the chief galleries of

pictures in England and on the Continent, and, by the aid of a correct eye and a retentive memory, he acquired, for an amateur, a considerable knowledge of the works and characteristics of the great painters. He gratified this taste, also, by making a small but valuable collection of paintings of ancient masters.

Mr. Burrows writes to the compiler: "Prance was my intimate friend, and we lived for some time near together at Hampstead. You note the affection for him of his pupils. One married three times, and twice Prance settled his marriage settlement for him without fee, but on his coming a third time suggested that he must have sufficient experience to do it for himself! He also was an intense Low Churchman."

Mr. Prance died on March 31st, 1876, at his residence at Hampstead, and in the 76th year of his age. He left four children—two sons, Mr. Miles Henry Prance, a barrister, and the Rev. Lewis Newcomen Prance, rector of Stapleford Tawney and Theydon Mount, Essex; and also two daughters, one unmarried and the other the wife of the Rev. Wm. F. Cobb, rector of Nettlestead, Kent.

[*Authorities*: The *Law Times* newspaper for April 22nd, 1876; Notes by Mr. Burrows, Mr. T. C. Wright, and Mr. A. Brodie.]

No. 49.

LEWIN TAVERNER.

Elected 1850; retired 1871

MR. TAVERNER, eldest son of John Taverner, of Clapton, Middlesex, was admitted a member of Lincoln's Inn July 11th, 1825, was called to the Bar at that Inn January 24th, 1832, was at the age of 37, and on January 14th, 1840, admitted a member of Gray's Inn, ceased to be a member of Lincoln's Inn November 2nd, 1842, and on January 16th, 1867, was made a Bencher of Gray's Inn.

Mr. Taverner was a pupil of Mr. Samuel Turner (above, No. 13), and had a house, The Harpes, at Broxbourne, in Hertfordshire, where he resided.

Mr. Taverner must have died in either 1872 or in the early part of 1873, as his name appears in the Law List for the last time in that for 1872.

[*Authorities*: Law List, 1842; Notes by Mr. Burrows and Mr. Alex. Brodie; Registers of Lincoln's Inn and Gray's Inn.]

No. 50.

JOHN BULLAR.

Elected 1850; died 1867.

FOR the following account of Mr. Bullar the club is largely indebted to his son, Mr. John Follett Bullar, of Southampton. He writes that Mr. Bullar's great-grandfather lived at Weybread Hall, in Suffolk, but that he got rid of his money, and left his sons to begin life with little or none. One of them settled in Southampton, kept a book shop, and educated his son John, Mr. Bullar's father, well. John became a schoolmaster, and his school got a great reputation in the neighbourhood. Among his pupils were several who became distinguished men. The late Baron Pollock, who a few months before his death most kindly furnished the compiler with several interesting contributions towards this memoir, wrote of this gentleman: "He was a good biblical scholar and man of original ideas. During a series of years he delivered lectures on Scripture which were much valued. These were published at Southampton in 1844, under the title of 'Bullar's Lay Lectures.' They are well worth reading, as combining much

earnest piety with breadth of thought." This John Bullar married a Cornish lady, Miss Susannah Sarah Whatman Lobb, a great-niece of Theophilus Lobb, M.D., F.R.S., by whom he had four sons and two daughters. Mr. Bullar, the Member of the Institute, was the eldest ; two other sons, Joseph and William, were doctors, who had the best practice in Southampton, and originated and partly built the Royal South Hants Infirmary. The fourth son, Henry, like his eldest brother, the Member of the Institute, chose the profession of the law, was called to the Bar, went the Western Circuit, and was appointed Recorder of Poole. He also published several books and among them one entitled "Prætors or Pleaders?" Baron Pollock described him as a sound lawyer and accomplished scholar. "The respect paid to his judgment was evidenced by the number of cases in which he was selected to act as arbitrator. His conversation and manner had great charm, and his integrity and chivalry were conspicuous, not only in private life, but in the discharge of his forensic duties. In his zeal as an advocate he never forgot the honour of a gentleman. Both at the Temple and on his Circuit he was a great favourite, and for many years he held high office at the Circuit Mess."

Mr. Bullar was born at Bugle Street, Southampton, March 29th, 1807. From the age of six to that of sixteen he was educated at his father's school. In 1823 he was articled to Mr. Alfred Whitaker, a solicitor at Frome in Somerset, an uncle of Mr.

Francis Whitaker, now Clerk in Court and solicitor to the Duchy of Lancaster; but before 1827 he came to London to read for the Bar. Mr. Bullar entered first the chambers of Mr. Jacob and afterwards those of Mr. Phillips. In 1832, 1833, and 1834 his name appears in the Law Lists as that of a certificated conveyancer, at 9, South Square, and 6 and 9, Gray's Inn Square successively, and he was called to the Bar at Gray's Inn January 29th, 1834. From a letter to his father, written in 1833, it appears that at the age of 26, and as a certificated conveyancer, he had eight firms as clients.

Again we are indebted to Baron Pollock, who wrote: "John Bullar early in life acquired a thorough knowledge of real property law, and, later on, of the practice of conveyancers—so much so that he used to say he seldom cared to read reports of cases except decisions by the House of Lords. When in full work as a Parliamentary draftsman he was certainly at the head of that branch of the profession. His drafts were masterly and his opinions so thorough and given in so judicial a spirit that the chairman of committees usually accepted them without discussion."

The period of Mr. Bullar's career embraced that during which the trunk lines of railway were built in England, and the mass of that kind of business was greatest. From some letters to his father it appears that in at least one year he drew three-fourths of the bills which were settled by counsel;

those so settled being estimated to be only one-sixth of all that were deposited. One of his rules of company conveyancing was to aim at breaking his drafts into paragraphs and at restricting each paragraph to one page of draft paper as a maximum. In the faculty of lucid writing Sir Arthur Helps said that Mr. Bullar was unrivalled, so far as he knew, except by one person, the late, the fourteenth, Earl of Derby. The same friend of Mr. Bullar notes his fertility in resources.

Among Mr. Bullar's many pupils were :—

*The Right Honourable Sir John Tomlinson Hibbert,
K.C.B.*

Lord Brassey, K.C.B.

Lord Rendel.

The Right Honourable Sir Julian Pauncefote, G.C.B.

*His Honour Sir Richard Harington, County Court
Judge.*

The above-mentioned letter to his father shows that so early as 1833 Mr. Bullar was interesting himself in the projects of the day concerning national education, and, besides attending to the current discussions of the subject, had been studying Blue-books about it of sixteen years earlier date. At a later time, while he was conducting his large practice, he found time to attend to public business and to concert various measures for the benefit of others. He was the chief promoter of the scheme for public baths and washhouses, drew the bill to provide for their establishment, and started those in Goulston

Square, Whitechapel. They, indeed, got into difficulties after his death, but by his widow's exertions they were righted and handed over to the vestry in 1878. He was also concerned with, and became a director of, a society called the "Female Provident Institution," founded to meet a difficulty in the way of governesses buying deferred annuities, which had been caused by the Government's raising the terms on which it would grant them.

A packet of letters from the late Mr. Delane shows that in the year 1842 Mr. Bullar, then personally unknown to the great editor, was invited to become, and that he became a regular contributor to the *Times* as a political writer. How long he continued a contributor does not appear.

In 1848 he printed, and presumably submitted to the Treasury, "Suggestions with Reference to Loans by or under the Authority of Government in Aid of Public Works," and in 1856 submitted for consideration "A Plan for Creating a Parliamentary Stock, to be entitled Railway Consols, to be substituted for Railway Debentures or Shares." In the same year and in 1863 he appears to have been engaged in correspondence with persons in authority concerning the establishment and conduct of a Post Office Savings' Bank. Mr. Bullar's ideas concerning such a bank largely appear in Mr. Gladstone's Act of 1861, 24 and 25 Vict. c. 14, though one of Mr. Bullar's letters to his father suggests that that measure was devised, without knowing what Mr. Bullar

had done, by Mr. Sykes, of Huddersfield. In a later letter Mr. Bullar said that in 1807 Mr. Whitbread had brought in a bill for the like purpose.

Throughout his busy life Mr. Bullar wrote daily letters to his father, and from a small parcel of them, written in some short, detached periods, and kindly sent as specimens by Mr. J. F. Bullar, several statements contained in this memoir have been culled. Though evidently written in haste and by way of chit-chat, they, as might be expected, abound with remarks about current events and stories of the time that are amusing, interesting, and, in many cases, historically valuable.

Much of his time during the session was spent in the committee rooms, and in his letters to his father he repeatedly expresses his admiration of the manner in which the Lords' Committees did their business, approving, on one occasion, of a remark made to him that a particular committee was one of the best tribunals that he had ever been before; and on another, a sultry day in July, with the only air in the committee room malodorous from the sewage in the Thames, he tells how "there sat five noble lords as carefully attentive to their work and as painstaking, patient, and considerate of others as if their living depended on their getting through it in the best manner." He mentions the meeting of The Institute in the same month—July 1859—when only fourteen members were present, and he heard that most of the "pure" conveyancers had very little work just

then. So much of this work, he wrote, could be done by well-educated solicitors' clerks that he should not be surprised at much of it being so done in the future. For some reason he had at a somewhat earlier time to master the railway law of California, and it is not to be wondered at that he found in some of their statutes sections copied from clauses drawn by himself for, presumably, English use. He notes how, in reading Acts of Parliament, he sometimes found clauses he had himself drawn for special purposes adopted as common forms in cases where they had no special application. In one case from a section drawn for a particular purpose, two lines were omitted in printing, making the clause nonsensical; for years compilers of bills went on copying it as it stood, and Parliament passed it into law. In another letter he mentions having to seek a report of a case heard before the Privy Council in 1812; he failed to find one, and discovered that at the Privy Council Office they had no record or note of any of the decisions from 1811 to 1819, but only notes of the names of the cases and of some of the stages of their procedure.

Sir Arthur Helps wrote of Mr. Bullar as one of the most amiable, benevolent, kind-hearted men he ever knew. "As a consulting friend he was invaluable; for, though he never partook your prejudices, he dealt with them gently and tenderly, and as a skilful physician does when you tell him, with much irrelevancy, and perhaps folly, what you suppose to be

the principal symptoms of your case. I never knew any man who introduced more of the goodness of his heart into the workings of his head. To use a familiar expression, he never snubbed anybody. Possessing, himself, a very wide range of insight and foresight, he never used his great intellectual powers to discourage or disparage any of those who came to consult him. Where he was especially great, where he was in his true element, was in suggesting a conciliatory line of policy which should, if possible, meet even the crotchets on all sides, yet be the means of carrying on some good work without offence." After remarking on Mr. Bullar's love of charitable enterprise, Sir Arthur added: "He was anything but a mere lawyer; but, indeed, in the present day the mere lawyer who is supposed to know nothing else but law, is a rare animal, and the widely trusted solicitor and the eminent barrister is generally found to be a man who knows a great deal besides law. Mr. Bullar," he said, "took interest in all branches of human knowledge, was wonderful in conversation, very accurate, and to the best of his powers exhausted the subject, and, what is noticeable in all men of mark, young for his age, a capital companion for everybody."

Baron Pollock, who contributed so much information concerning Mr. Bullar, added:

"To the last he was a painstaking worker, and, but for a spirit that was genial and a mind that was well-balanced, he must have broken down earlier

than he did. He sometimes said that when in chambers he felt his brain was over-wrought he would leave his table, and, going to a particular old chair in the corner of his room sit down for five minutes, saying to himself, 'John Bullar, be quiet.'

"As an instance of his rapidity in drafting, and of his unselfish devotion to a good cause, the following anecdote is worth preserving:—In the course of a Sunday afternoon's walk with me, Bullar was told of a proposal to erect some labourers' cottages in an adjoining parish. Before breakfast next morning I received some twenty sheets of draft paper containing, in Bullar's own hand, a sketch scheme for the formation of a limited company which must have required some hours to prepare.

"His social habits were very simple. After an early dinner with his family and some music from his daughters, he always resumed his work again at home about ten o'clock, continuing till one or two in the morning.

"He was punctilious in discharging the true courtesies of life to all around him, high or low, but had a great dislike to unmeaning formalities. Ever fond of the society of real friends, he avoided the larger and more fashionable gatherings of modern growth. He would write to a neighbour, 'We seldom have a dinner-party, but if you would come on Tuesday next and "*get your dinner with us*" it will give Mrs. Bullar and myself great pleasure, and I hope you will meet — and——.'

Mr. Burrows writes that Mr. Bullar, while a Member of The Institute, was the life and soul of it. He kept everything going, and stirred up the old members to do many things essential to the well-being and continuance of the club.

For the last twenty years of his life his most frequent companion was Hassard Hume Dodgson, who gained a high repute for classical scholarship at Westminster and Oxford, and afterwards for law, when as a pleader in the Temple he shared the highest position in the profession with Mr. Joseph Chitty. Bullar's and Dodgson's gardens adjoined, and on Sundays "intercommoning" was usual. On weekdays they were always to be found in the same railway compartment.

Mr. Bullar resided in London, first at Serle Street, afterwards in Oxford Terrace, and still later at Fairfax House, Putney, a fine old house, with a beautiful garden containing rare trees. Since his death that house has been pulled down, and the site and grounds covered with new houses. He had also a place called Basset Wood, near Southampton, in a rich pine-wood of a hundred acres. Adjoining it, his father and brothers built another house, in which they all resided during the rest of their lives. Mr. Bullar was very fond of Basset Wood, and of all country pursuits.

Among Mr. Bullar's friends were the Rev. Canon Kingsley, Professor F. D. Maurice, Sir John Simon, Lord Chief Justice Lord Coleridge, Baron Pollock,

Sir John Herschel, Mr. William Collins, R.A., Mr. Holman Hunt, and Mr. Archibald Smith, of the Equity Bar, whose scientific contributions to the Admiralty were so well known.

Mr. Bullar married, in 1838, Rosa, daughter of Andrew Tucker Follett, by whom he had two sons and four daughters. The elder son died in childhood ; the other [1899] is Mr. John F. Bullar, of Southampton.

Mr. Bullar died August 23rd, 1867, at Basset Wood. His brother, Dr. Joseph Bullar, wrote that he had put eighty years of work into sixty years of life ; that he never felt intellectual fatigue, but that it told on his heart. Mrs. Bullar survived her husband, and died in Southampton at the age of seventy-nine, October 28th, 1896.

[*Authorities* : Register of Gray's Inn ; Law Lists ; Letters from Mr. Bullar to his father, and papers furnished by his son, Mr. J. F. Bullar ; Letters from Dr. Joseph Bullar, Sir Arthur Helps, the late Baron Pollock, Mr. Spencer P. Butler, now a member of the Institute, Mr. J. F. Bullar, and Miss Edith P. Bullar ; Obituary Notice of Mr. Henry Bullar, 14 *Solicitors' Journal*, 199.]

No. 51.

HOLDSWORTH HUNT.

Elected 1851; Honorary Member 1881; died 1883.

MR. HOLDSWORTH HUNT, the fifth son of William Cholwich Hunt of Dartmouth, Devon, M.D., by his marriage with Mary, daughter of Mr. Nicholas Brooking of Bulleigh in the same county, was born at Dartmouth, December 9th, 1806. He was educated at Crediton, also in Devon, and at Paris; and was placed in a solicitor's office before entering an Inn of Court. In his subsequent life he used to speak of the advantage he found in his experience there. On January 13th, 1828, Mr. Hunt became a student of the Inner Temple, and in the same year he entered the chambers of Mr. John Wilson (above, No. 36). On June 12th, 1833, he was called to the Bar at the Inner Temple, and on May 5th, 1865, on the proposal of Lord Chelmsford and Sir John Rolt, Mr. Hunt was elected a Master of the Bench of that Honourable Society. In the year 1879 he served the office of Reader, but when, in 1882, he was elected to the office of Treasurer his failing health disabled him for the performance of its duties. For some years he was a member of the Council of Legal Education.

In 1835 Mr. Hunt appears to have been practising at 4, Inner Temple Lane, and in 1842 at 3, Tanfield Court. In the Law List for 1851 his address is given as 7, and in that for 1852, as 12, King's Bench Walk, where he appears to have remained during the rest of his life. He had a large practice and a high reputation.

Mr. Morshead, now a Member of the Institute, speaks of his fondness for discussing points, but of his also being not fond of disturbance when immersed in his business. Mr. Morshead used to waylay him on his way to chambers, and introduce in conversation any question which was puzzling him. Mr. Hunt would proceed to discuss it in all its branches, and long before they reached the Temple the point was cleared.

Mr. Hunt's nephew, Mr. Arthur Roope Hunt, a member of the Bar, tells the following story :—

“When a student of the Inner Temple I occasionally saw my uncle in his chambers, and on one occasion found him much excited over an abstruse point in the doctrine of election, which he at once attempted to bring within my comprehension. Words could not express my surprise when Mr. Hunt remarked that he had advised his clients to make up their minds to appeal, if they fought the case at all, because the Vice-Chancellor would not understand the point and would decide against them! When the case came on I accompanied my uncle to the Court, where it was argued by Mr. Bristow, Q.C., before Vice-Chancellor

Stuart. The Vice-Chancellor in a somewhat diffuse judgment decided as Mr. Hunt had foretold he would. Some time afterwards, meeting my uncle, I asked how his 'election' case had fared. 'Oh,' said he, 'the Lords Justices (James and Mellish) settled that in half an hour.'

Among Mr. Hunt's pupils were :—

The late Earl of Winchilsea.

Lord Macnaghten, P.C., a Lord of Appeal in Ordinary.

Lord Pauncefoot, P.C., *G.C.B.*, *G.C.M.G.*, H.M.'s
Ambassador to the United States of America.

Sir William R. Anson, Bart., *D.C.L.*, Warden of All
Souls, and member of Parliament for the University of
Oxford.

The late Right Honourable John Stuart Headlam.

Mr. Walter Morshead, above named.

In 1839 Mr. Holdsworth Hunt married Ellen, the youngest daughter of the late Mr. Joseph Barber of Clapham, Surrey, and had six children, two sons, one of whom, Mr. Francis Holdsworth Hunt, is a member of the Bar, and four daughters.

Mr. Hunt resided from 1855 to 1876 at 11, Park Square West, Regent's Park. In the latter year he moved to 20, Park Crescent, Portland Place, where he died April 26th, 1883.

[*Authorities* : Law Lists ; Whishaw's "Synopsis" ; Foster's "Men at the Bar," sub nom. Francis Holdsworth Hunt ; Masters of the Bench of the Inner Temple (privately printed) ; Information contributed by Miss Catherine H. Hunt, a daughter of Mr. H. Hunt ; Mr. Arthur Roope Hunt and Mr. Morshead.]

No. 52.

JOHN LAWRENCE TATHAM.

Elected 1851; Honorary Member 1883; died 1886.

MR. TATHAM, the eldest son of Thomas Trevor Tatham of Highgate, Middlesex, a member of the firm of Tatham & Sons of Staple Inn, solicitors, was born at Highgate, May 7th, 1806. He was also educated at Highgate, and on leaving school at about the age of 16 years, entered his father's office. There in due time he was articled and served his articles, but was not admitted a solicitor, as he had a strong desire to be called to the Bar. He continued, however, for some time to assist his father, and in after life he considered that the experience he so obtained was most useful to him. On January 23rd, 1829, he was entered as a student of Gray's Inn, and was called to the Bar by that Honourable Society, January 29th, 1834. He was also admitted a member of Lincoln's Inn, February 24th, 1849. On December 19th, 1866, he was elected a Bencher, and in 1873 became Treasurer of Gray's Inn.

Mr. Tatham was for two years a pupil in the chambers of Mr. Sidebottom (above, No. 32), and was with him at the time of that gentleman's great bereavement. Although reading and working hard

at law, Mr. Tatham found time to attend lectures and read at University College, and diligently trained himself to a high standard of general knowledge.

On his call to the Bar, Mr. Tatham took chambers at 6, New Square, Lincoln's Inn, and there he practised throughout his professional life. He at once obtained a good practice, which shortly became large; and his chambers were much sought after by pupils. In the course of his life he had over two hundred, many of whom attained to great eminence in the profession, and on his retirement a number of them gave him, on May 27th, 1884, a complimentary dinner.

Among other pupils who accepted invitations for this dinner were:—

Lord Lindley, a Lord of Appeal in Ordinary, then Lord Justice Lindley and Chairman at the dinner.

The Hon. Mr. Justice Cave.

The Hon. Mr. Justice Day.

Sir Alexander Edward Miller, C.S.I., Q.C., formerly a member of the Council of the Viceroy of India, a Master in Lunacy, and a Railway Commissioner successively.

The late Mr. Henry Fox Bristow, Q.C., then Vice-Chancellor of the County Palatine of Lancaster.

Mr. J. S. White, formerly a Judge at Calcutta.

His Honour Judge F. A. Bedwell.

His Honour Judge S. B. Bristowe.

His Honour Judge Thomas J. Bradshaw.

Sir Howard Elphinstone, Bart., one of the Conveyancing Counsel of the High Court, a Member of the Council of the Bar, and now a member and the sixth Secretary of the Institute.

The late Professor St. George Mivart, F.R.S.

Mr. Charles Few, of the firm of Few & Co.

Mr. Reginald Ward, Solicitor to the Board of Trade.

The large attendance at this dinner showed the esteem and affection with which Mr. Tatham inspired his pupils. Among those who helped him in his work was Mr. (afterwards Earl) Cairns, although he was not his pupil.

Sir Howard Elphinstone mentions Mr. Tatham as a man who hardly ever looked at a case, and yet was almost always right in his opinions; his drafting, Sir Howard adds, was of the old school, and he may be fairly said to have been a great conveyancer.

Mr. Tatham, September 14th, 1837, married Elizabeth Charlotte, the only daughter of Thomas Clarke of Craven Street, Strand, and Highgate, who was Solicitor to the Board of Ordnance; by her he had issue Thomas Clarke Tatham, his eldest son, now a member of the Bar, and other children. He continued throughout his life to reside at Highgate, and there died in April 1886.

Mr. Tatham was for many years a Governor, and at the time of his death Treasurer, of Sir Roger Cholmeley's School at Highgate.

[*Authorities*: Notes supplied by Mr. T. C. Tatham and Mr. Edward Beaumont, a son-in-law of Mr. Tatham; Law List, 1842; Foster's "Men at the Bar," 1885; Douthwaite's "Gray's Inn"; Memoranda by Mr. Burrows.]

No. 53.

SMITH SPENCER WIGG.

Elected 1852; died 1880.

MR. WIGG, the only son of John Smith Wigg of Carmarthen, Esquire, was entered as a student of Gray's Inn, February 24th, 1826; and there, June 13th, 1832, he was called to the Bar. In 1867 he became a Bencher of that Honourable Society, serving the office of Treasurer in 1871. In December, 1853 he also became a member of Lincoln's Inn. In 1835 and 1842 he appears to have been practising as a conveyancer at 12, South Square, Gray's Inn; and in 1879 at 25, Old Buildings, Lincoln's Inn.

Mr. Wigg lived at Notting Hill, and died in 1880. His will was proved in London, May 11th of that year, by his widow, Mrs. Ellen Wigg, of 28, Westgate Terrace.

[*Authorities*: Law Lists; Gray's Inn and Lincoln's Inn, Admissions Registers; Whishaw's "Synopsis"; Douthwaite's "Gray's Inn," 1886; Wills Registered at Somerset House; Letter from Mr. C. Stone-Wigg, October 10th, 1899.]

No. 54.

WILLIAM DAY.

Elected 1852; retired 1854.

MR. DAY, second son of William Day of St. Neots, Hunts, solicitor, was born about 1803; he was entered as a student of Lincoln's Inn, November 5th, 1827, and was there called to the Bar on November 20th, 1832. He was a pupil of Mr. A. R. Sidebottom (above, No. 32). Mr. Day was in 1835 practising as a conveyancer at 55, Lincoln's Inn Fields. He died January 31st, 1879.

[*Authorities: Law List, 1842; Whishaw's "Synopsis"; Mr. Alexander Brodie, letter January 27th, 1893.*]

No. 55.

CHARLES DAVIDSON.

Elected 1853; Honorary Member 1885.

MR. CHARLES DAVIDSON, born on September 23rd, 1810, was the eldest son of Mr. George Madgwick Davidson, of Warmley House, near Bristol. As a boy, he was educated at private schools in the neighbourhood, and afterwards at York, whence about the year 1829 he proceeded to Christ's College, Cambridge, which was then to some extent specially connected with the County of Gloucester, and he became about the same time a student at the Middle Temple. In 1832 he took his degree as 18th Wrangler, and was soon afterwards elected a fellow of his college, becoming M.A. in 1835. In those days it was possible to become a wrangler without taking up the higher mathematics, which Mr. Davidson did not do, and it is believed that his place was the best which, up to that time, had been obtained by any one not possessing a much wider mathematical knowledge than did Mr. Davidson. And it is certainly likely, for in all things his knowledge, so far as it extended, was thorough and complete; but for mathematics *per se* he had no particular affection.

No name of great note appears in the same class with him. But he was wont to tell how Shilleto (the well-known Greek scholar) had sat opposite to him in the examination, and copied (as Mr. Davidson believed and intended) his answers, so far as that was possible, and had been thereby enabled to take (as wooden spoon) the mathematical honours which in those days were essential to an aspirant for honours in classics; and, in fact, Shilleto was second classic. Among the fellows of Christ's at that time was the Rev. Alexander D'Arbly, son of the celebrated Madame D'Arbly, the authoress, and friend of Dr. Johnson.

Leaving Cambridge at once, Mr. Davidson came to London, where he became the pupil of Mr. Jonathan Henry Christie (above, No. 28), who was then in large practice, and at a later period was accounted the most eminent conveyancer of the day. Mr. Christie numbered amongst his pupils many well-known lawyers, including the illustrious mathematician, Professor Arthur Cayley, with whom Mr. Davidson long remained on terms of friendship, and it amused him, after Cayley had returned to Cambridge, to trace to their source at Lincoln's Inn those business qualities, which rendered the Professor hardly less esteemed in the council chamber than in the professorial chair.

In 1835, on November 20th, Mr. Davidson was called to the Bar by the Honourable Society of the Middle Temple, and almost immediately afterwards

he was requested by Mr. Maxwell to undertake an interrupted work of Mr. Thomas Martin—a young man who was only two years older than, and was called to the Bar in the same year as, Mr. Davidson, and who died in 1837. Mr. Martin had prepared the second and part of the first volume of a work which Mr. Davidson completed in five volumes. Under the title of “Martin’s Practice of Conveyancing by Charles Davidson,” it was published, partly in 1840 and subsequent years, and completely in 1844. Mr. Davidson was at that time assisting Mr. Christie, and his evenings alone were available for other work. What alterations he effected in the style of conveyancing while engaged in this edition of the work, afterwards known as his “Precedents in Conveyancing,” may be judged by a comparison of the ordinary covenants for title, as given in a volume of “Common Forms,” which he published in 1846, with those which were in use when he was called to the Bar.

In 1844 was published the first edition of the “Concise Precedents,” which, however, in consequence of the passing of the Real Property Act 1845 (8 and 9 Vict. c. 106), had to be rewritten. Both the “Concise Precedents” and the larger work passed through several editions. Of the “Concise Precedents,” the last edition in the preparation of which Mr. Davidson personally took part was the eleventh, published in 1879. Since his death the demand for the book has continued unabated, six more editions

having been issued under the editorship of the late author's nephew, Mr. M. G. Davidson, now a member of the Institute—the seventeenth having appeared in 1899. Of the larger work, three complete editions were published, the second in the eleven years 1855 to 1865, and the third in the nineteen years 1860 to 1878. Of the first volume and of both parts of the second, a fourth edition appeared in 1874, 1877, and 1881 respectively. In consequence of its great size (five volumes in eight), this work could only be published volume by volume.

In the preparation of the first edition of the larger work Mr. Davidson had little or no assistance, except from his first pupil, Mr. T. C. Wright, who enjoyed the unique privilege of remaining with him in that character for three years, and afterwards continued his trusted and faithful coadjutor throughout. In the later editions assistance was obtained from various gentlemen, amongst whom may be mentioned the late Mr. Jacob Waley (below, No. 68), and the late Mr. Thomas Key (below, No. 100), each of whom was afterwards appointed a Conveyancing Counsel of the Court. By Mr. Waley was written the monumental introduction to Vol. 3 (the Settlements volume), which was a complete treatise on marriage and family settlements, and which in point of style and arrangement, as well as in learning, has been always regarded as a model of legal work, and is still resorted to for information and instruction by a large number of conveyancing

barristers. Curiously enough, from a publisher's point of view this volume was the least successful of any.

In the "Concise Precedents" Mr. Davidson was principally assisted by Mr. Badger Eastwood (below, No. 65), and afterwards by that very accomplished conveyancer Mr. Henry Dicey (below, No. 89), elder brother of Professor Albert Dicey, both of whom he survived. In both the "Concise Precedents" and the larger work Mr. Davidson extensively availed himself of the services of his assistants, but the foundation was emphatically his own. He never failed to critically examine the alterations and additions which were from time to time laid before him by those with whom he worked, and it is not too much to say that the later editions, no less than the first, really derived their chief value from the effects of his personal supervision and authority, and from his large experience and practical wisdom.

For Mr. Davidson was essentially and chiefly a practical lawyer. His knowledge of real property law was not of the black-letter description, but, short of antiquarianism, it was complete, and his acquaintance with the practice of conveyancing was as thorough, probably, as that of any lawyer who ever lived. Very soon after the completion of the first edition of the larger work he had acquired a considerable practice, which obliged him to give up assisting Mr. Christie, whose eldest daughter, Mary Elizabeth, he married on May 9th, 1844. Mr.

Christie always spoke with the greatest admiration of Mr. Davidson's conveyancing skill, and often marvelled at the ease with which complicated work was dealt with at his hands, and the little anxiety which such work seemed to cause him. This was a remarkable feature of Mr. Davidson's character. He never seemed worried. He worked deliberately, without haste, and without any apparent rapidity. But he nevertheless got through his work with a quickness which, to those who knew what its nature often was, seemed surprising.

Of course, in his practice, no less than in his literary work, he had assistance from other barristers, and notably from Mr. Dicey. But he had a remarkable gift of using the work of his assistants, by intelligently adapting it to his own purposes. And he took care that the men whom he employed should have been trained in the same school as himself, and should aim like himself at uniformity of method and language. Gradually his practice increased, and in 1860 he was making a much larger income than falls to the lot of conveyancers of the present day. Then his practice increased by leaps and bounds, and for many years it may be said to have been enormous. He had pupils, too, in large numbers. Among them may be mentioned his first pupil and subsequently, as above mentioned, his coadjutor :—

Mr. T. C. Wright, now the senior member of the
Institute, and
Mr. Goldwin Smith.

The late Mr. Robinson, Q.C., Vice-Chancellor of the Duchy of Lancaster.

The late Mr. Walter Bagehot, the political economist.

The late Mr. John ("Rob Roy") Macgregor.

The Right Hon. A. H. Bryce, some time President of the Board of Trade.

The Right Hon. the Lord Justice Fitz-Gibbon.

Sir John Blossett Maule, Q.C., first Director of Public Prosecutions.

Mr. M. G. Davidson, now a member of the Institute.

About the year 1875, being then sixty-five years of age, Mr. Davidson began to reduce his working hours, and in 1885, having been fifty years in practice, he retired from the Bar. His chambers had been originally in Serle Street, whence he migrated to 6, Stone Buildings, Lincoln's Inn. He was admitted *ad eundem* at Lincoln's Inn in 1855. He drafted the Satisfied Terms Act (an account of which is given in the sixteenth and previous editions of the "Concise Precedents") and some other public Acts, and he was Examiner of Title to the Land Registry from the year 1869 until his retirement.

He was offered, on the establishment of the Registry, the post of Assistant Registrar, which he refused. But he would have been willing to accept (so he used to say) the office of Registrar; and, without in any way ignoring the abilities of Mr. Follett, Q.C., to whom that office was given, it may be regretted that the advantages which are necessarily incident to special knowledge and experience, and which would have been secured to the Registry by

the appointment of Mr. Davidson, were disregarded. He was by no means unfavourably disposed towards a system of voluntary registration, and he believed that Lord Westbury's Act (25 & 26 Vict. c. 53), administered in a more liberal spirit, should have proved a success. Of the system substituted by Lord Cairns in the Land Transfer Act 1875 he, as a practical man, disapproved.

Few conveyancers have been so widely known by name as Mr. Charles Davidson. But the conveying barrister is necessarily a secluded being. He meets in consultation from time to time other barristers, but much less frequently than the ordinary court practitioner, and as a rule he is personally less generally known. But at the dinners of The Institute Mr. Davidson met all the most distinguished members of the confraternity; and there at times it might be seen what he was, independently of law. An admirable *raconteur*, he was full of anecdote and reminiscence; he had travelled in France, Germany, Switzerland, and Italy; his knowledge of French, of English, and of general literature was wide, and in some respects minute; he was familiar with naval and military, and with Indian history, and his memory never failed him.

In the year 1871 he took to yachting, and though (like Nelson) not always a perfect sailor, he thoroughly enjoyed the freedom of the sea, and sea air as distinguished, in his own phraseology, from beach air; and (having meanwhile explored the coasts of

England, Scotland, France, Holland, and the Baltic) he abandoned that pursuit in 1878. Both before and after his retirement from practice, his garden at Sydenham Hill, where he was the possessor of a house and grounds of considerable extent for that neighbourhood, was a source of never-failing interest and delight to him; and in relation not only to the contents of his garden, but also to botanical matters in general, he possessed a fund of practical and technical knowledge, which was characteristically accurate as well as extensive, and upon which he could draw at will for the information or amusement of those who might be interested in the subject.

His wife, a lady of high intellectual attainments and beautiful character, died before him, in 1890, and left no child; and Mr. Davidson, in his eighty-third year, passed away in his sleep during the night of January 15th—16th, 1893.

Of no distemper, of no blast he died,
 But fell like autumn fruit that mellowed long;
 Even wondered at because he dropt no sooner.
 Fate seemed to wind him up for four score years;
 Yet freshly ran he on three winters more:
 Till, like a clock worn out with eating time,
 The wheels of weary life at last stood still.

Dryden and Lee's *Œdipus*, iv. 1.

[*Authorities*: Memoir in the "Solicitors' Journal," vol. xxxvii., p. 209; Communications by Mr. T. C. Wright and Mr. M. G. Davidson; Lincoln's Inn Registers.]

No. 56.

EDWARD HEDGE.

Elected 1853; died 1878.

MR. HEDGE, the only surviving son of Thomas Hedge, late of Colchester, gentleman, was born in 1809 or 1810. He was entered as a student of Lincoln's Inn April 19th, 1832, but on December 9th, 1835, he left that Honourable Society, having been, November 7th, 1835, admitted a member of the Inner Temple, where he was called to the Bar on November 20th, 1835. He appears to have practised as a conveyancer at 10, King's Bench Walk, Temple, and afterwards at 6, Stone Buildings, Lincoln's Inn.

Mr. Hedge was elected a member of the Institute on the same day as Mr. Davidson (above, No. 55) and the other three eminent men whose memoirs in this series immediately follow his own.

Sir Howard Elphinstone, who had some opportunities of becoming acquainted with Mr. Hedge's work, remarks of some settlements drawn by him: "They always remind me of a minuet. Excellent as his drafting was, it was very lengthy; you always expected to come to the point, but you did not till some pages later. He was a great lawyer, and one distinguished by his great kindness to junior practitioners."

[*Authorities*: Law Lists, 1842, 1869; Registers of Lincoln's Inn and the Inner Temple; Sir H. W. Elphinstone in a letter, January 19th, 1900.]

No. 57.

ARTHUR BURROWS.

Elected 1852; Honorary Member 1887.

IF the records of the Institute are perfect, Mr. Burrows, its 57th member in order of election, is the first elected of several past members of the Club who are still living. Since he ceased to be an ordinary member, he has usually given us the pleasure of his company at our May dinner.

Mr. Burrows, the fifth and youngest son of the late George Mann Burrows, Esquire, M.D., by his second wife, the second daughter of Mr. Thomas Druce, of Chancery Lane, was born at Bloomsbury Square, London, on August 26th, 1812. He was entered as a student of Lincoln's Inn, November 18th, 1831, and was there called to the Bar, November 24th, 1836.

Mr. Burrows was a pupil in the chambers of Mr. Samuel Turner (above, No. 13).

He began practice as a conveyancer at 89, Chancery Lane, but afterwards moved to 7, Stone Buildings, and ultimately to 9, Old Buildings, afterwards Old Square, Lincoln's Inn.

In July, 1852, with his seniors, Mr. Davidson

(above, No. 55), and Mr. Hedge (above, No. 56), and his juniors, Mr. Williams (below, No. 58), and Mr. Dart (below, No. 59), Mr. Burrows was elected a Member of the Institute, and in 1877 became its fifth Secretary. He succeeded in that office Mr. Warner (above, No. 44), and held it until 1887, when, upon his retirement from it, he was elected an Honorary Member. Mr. Burrows was succeeded in the Secretaryship by the present Secretary, Sir (then Mr.) Howard Warburton Elphinstone.

Mr. Burrows obtained a considerable practice very early. He was the schoolfellow at Winchester of the late Earl of Selborne (then Roundell Palmer), as well as Viscounts Sherbrooke (then Robert Lowe) and Cardwell, and Lords Emly and Penzance, all of whom raised themselves to the Peerage.

Among Mr. Burrows' pupils were :—

Mr. Justice Stirling.

Sir J. B. Phear

Sir J. W. Bonser

} Chief Justices, Ceylon.

Sir L. Bayley, Acting Chief Justice, Bombay.

Sir G. Paul, K.C.I.E., Advocate-General, Calcutta.

Mr. Bush, Q.C.

Mr. Bray, Q.C.

The Right Hon. Sir W. Marriott, Q.C.

The Right Hon. Sir H. Rumbold, G.C.B., Bart.,
Ambassador at Vienna.

Sir R. O. Dalryell, Bart., Consul-General on the Danube.

Soon after the passing of Lord Westbury's Land Registry Act of 1862 (25 & 26 Vict. c. 53), Mr. Burrows was appointed an Examiner of Titles for

the purposes of that Act, an office which he continues to hold for the purposes of the Land Transfer Act of 1875, and in 1873, on the successive deaths of Mr. Hayes (above, No. 34), and Mr. Waley (below, No. 68), he was appointed one of the six Conveyancing Counsel of the Chancery Division of the High Court. Of the existing six Mr. Burrows is the senior member.

On April 22nd, 1840, Mr. Burrows married Frances Diana, youngest daughter of Robert Anthony Bromley, a Major in the Indian Army, and has issue several children.

Mr. Burrows resides at The Larches, Beckenham, Kent.

Mr. Burrows' eldest brother was the celebrated Physician, Sir George Burrows, Bart., D.C.L., F.R.S., President of the Royal College of Physicians in London, from 1871 to 1876, and Physician in Ordinary to the Queen.

[*Authorities:* Law Lists; Foster's "Baronetage," 1880; Foster's "Men at the Bar," 1885; First Minute Book of the Institute; Communications by Mr. Burrows to the compiler.]

No. 58.

JOSHUA WILLIAMS.

Elected 1853; died 1881.

MR. WILLIAMS was born on May 23rd, 1813. He was the fourth surviving son of Thomas Williams, of Cote, Bampton, Oxfordshire, and Campden Hill, Kensington, and afterwards of Cowley Grove, Hillingdon, near Uxbridge, Middlesex, and he was educated at a private school and at the London University in Gower Street, now known as University College. He entered as a student at Lincoln's Inn January 31st, 1833, and read as a pupil, first with Mr. J. Rudall, and afterwards with Mr. P. B. Brodie (above, No. 2) and Mr. Duval (above, No. 31). He commenced his legal studies by reading the second volume of "Blackstone's Commentaries." After finishing Blackstone, he proceeded to master the contents of "Coke upon Littleton." In this he demonstrated the justice of Mr. Charles Butler's remark ("Reminiscences," i. 62) that "He is the best lawyer, and will succeed best in his profession, who best understands 'Coke upon Littleton,'" to which Mr. Butler afterwards alludes as "the golden book."

After practising for two years under the Bar as a

certificated conveyancer, Mr. Williams was called to the Bar at Lincoln's Inn on May 4th, in Easter Term, 1838. He devoted himself exclusively to conveyancing business. Being entirely without connections amongst solicitors, he did not at first attain to any large practice, although the marked ability which he had displayed as a pupil procured him some business, his first client being a fellow-pupil. A criticism he made upon a clause in the draft of his own marriage settlement attracted the attention of one of the partners in the firm of Brown and Martin, who had prepared the draft. This was the beginning of a connection which proved very valuable to him ; for these gentlemen formed one of the leading firms of City solicitors, and their successors, Messrs. Thomas and Hollams (whose business has now passed to Messrs. Hollams, Son, Coward, and Hawkesley), afterwards became his most regular clients. For some time after Mr. Williams first took Chambers, he did work for Mr. Duval. But he also employed his spare time in making a profound study of the law of real property, and writing a treatise intended as a first book for the use of students of conveyancing. This work he published in 1845. It was first called "Williams on Conveyancing," but subsequent editions were known as "Williams on Real Property," and under this title the book attained such a success as has rarely, if ever, befallen a legal text book. This popularity was fully deserved, for in its original shape the work was certainly a masterpiece.

Treating a complicated, dry, abstruse and even, as often presented, repulsive subject with marked faculty of exposition and uncommon literary skill, the author had produced a book which was easy, readable and attractive. He not only had the genius, which can discern the principle underlying a multitude of legal cases or rules, but also possessed the rare gift of expressing his thoughts in simple and vigorous English without losing the accuracy essential to a scientific treatise. Having mastered the learning of his subject, he chose admirably what he should impart to his readers, and set it forth in a lucid and graceful style. A second edition was soon called for, and a companion volume treating of the "Principles of the Law of Personal Property" was written, and published in 1848. This was a work of sterling quality, but hardly attained the same high level as the treatise on Real Property. Both books, however, were in constant request during the author's lifetime, and before his death thirteen editions of the "Real Property" and eleven of the "Personal" had been published. The "Real Property" was also published in the United States under the editorship of Mr. W. H. Rawle, an eminent American lawyer; and the ninth edition was translated into Italian by G. Franco and G. Canegallo, advocates (Florence, 1873).

The reputation which Mr. Joshua Williams gained by these works brought him a considerable conveyancing practice; and he became widely known in

both branches of the profession as a real property lawyer of more than ordinary learning, and a conveyancer of exceptional skill. On March 26th, 1862, he was appointed by Lord Westbury, then Lord Chancellor, to be one of the Conveyancing Counsel of the Court of Chancery. A large increase of business followed upon this appointment, and Mr. Williams soon found that his health was beginning to suffer from over-work. Obligated in 1863 to lay aside work from illness, and being advised that his strength would break down if he continued to bear the strain of his conveyancing practice, he applied for silk as a means of relief. But on recovering his health he withdrew this application. The very next year, however, he was compelled to repeat it, and towards the end of 1864 he resigned his office of Conveyancer of the Court. On March 30th, 1865, he was appointed Queen's Counsel, and on April 20th following he was elected a Bencher of Lincoln's Inn.

Considering the conditions under which Mr. Joshua Williams commenced his career as Queen's Counsel, he attained a remarkable success. Those who have been occupied all their lives in conveyancing will easily understand what a serious disadvantage he had in the want of that familiarity with the ordinary practice of the Courts which is gained by barristers constantly employed in forensic work. Added to this, he was naturally shy, diffident and nervous; and though an exceptionally ready writer, he was not a fluent speaker. To counterbalance these

original defects, he had the confidence derived from a thorough knowledge of the law of property, the experience gained in a leading conveyancing practice, and his power of lucid expression. And that he possessed energy and courage in a high degree is evident from his resolution, at the age of fifty-two, with a large family and moderate private resources, to abandon a lucrative practice for the chances of an entirely new class of business. He had rarely appeared in Court while at the outer Bar; but it is true that in those instances his success had been encouraging. One case which he argued at the junior Bar was *Egerton v. Massey*, 3 C.B. N.S. 358, in which he obtained the decision that, where contingent remainders are created by will, the inheritance, until the contingency happens, passes to the residuary devisee. Another was *Heelis v. Blain*, 18 C.B. N.S. 90, in which he successfully maintained that a rent-charge granted by way of use executed by the statute gives the grantee such an immediate actual possession as to entitle him to a vote in respect thereof under the Reform Act before receipt of any part of the rent. He was greatly complimented in this case by the Lord Chief Justice Erle, who said, after referring to Lord Eldon's praise of the old conveyancers, and to his own experience, that the persons entrusted with that branch of the law have ever been remarkable for ability and learning: "The argument which we have heard to-day satisfies me that the mantle of those great men has descended

upon no unworthy shoulders." The judgment of the Court was, however, severely criticised in the *Jurist* (January 28th, 1865) by the late Mr. George Sweet (below, No. 92), who declared that Mr. Williams had made the best of a bad case, and that the decision was clearly wrong; and he observed that the well-merited compliment paid to Mr. Williams would have been more valuable, if the Court had shown a better appreciation of his argument by exposing the fallacy that lurked in it. By indorsing this compliment, however, Mr. Sweet, who was himself a learned and accomplished conveyancer and text writer, gracefully supplied the discrimination which he found wanting in the judges. And if, as he alleged, the decision obtained in *Heelis v. Blain* was contrary both to reason and authority, that only increases the weight of his testimony to the persuasive power of Mr. Williams's advocacy.

Mr. Sweet and Mr. Williams were opponents in many a friendly controversy upon points of law. But with regard to the former's criticism on *Heelis v. Blain*, it is only fair to state that Mr. Joshua Williams himself, in his book on Real Property (134, n., 1st ed., 186, n., 13th ed.) always stated the law to be that *cestui que use* cannot maintain trespass without physical possession; while in arguing *Heelis v. Blain* he was constrained to put forward the exact contrary of this proposition. He also subsequently pointed out in his Lectures on Settlements (p. 16) that it might well have been held in that case that the

technical kind of possession given by the Statute of Uses was not such an actual possession as the Reform Act intended.

After taking silk, Mr. Joshua Williams did not attach himself to any particular Court, but practised as a specialist in real property and conveyancing cases. Before he had been long called within the Bar, an opportunity arose in which his special knowledge was peculiarly useful. This was the inclosure of part of Berkhamstead Common by Lord Brownlow, the lord of the manor. Mr. Williams was consulted on behalf of the commoners, and acting on his advice they exercised the right of self help by abatement of the nuisance in a remarkable manner. Their counsel has narrated the circumstances in his lectures on Rights of Common (p. 136), where he tells how a special train was sent down early in the morning with some two hundred men, who by seven o'clock had broken down about a mile of iron fencing, nipping the wire and uprooting the standards, which were delicately deposited on the grass, each with its appropriate quantity of wire neatly folded round it. The result was an action of trespass by the lord and a suit in equity to restrain it by the commoners. Mr. Williams was counsel for the plaintiffs in the suit; who obtained judgment in their favour, vindicating the common law right of the tenants of a manor to common over the waste lands of the manor (*Smith v. Earl Brownlow*, L. R. 9 Eq. 241). The result of this case

was that action was taken in several other instances on behalf of commoners to restrain the inclosure of waste lands. In all these Mr. Williams's advice was taken, generally by the commoners, who were almost uniformly successful in establishing their claims. The principal cases of this kind which came before the Courts were *Warwick v. Queen's College, Oxford* (Plumstead Common), L. R. 10 Eq. 105, 6 Ch. 716; *Betts v. Thompson* (Tooting Common), L. R. 6 Ch. 732; *Commissioners of Sewers v. Glasse*, L. R. 19 Eq. 134, relating to Epping Forest; *Hall v. Byron*, 4 Ch. D. 667 (Coulsdon Common); and *Earl De La Warr v. Miles* (Ashdown Forest), 17 Ch. D. 535. In all these cases Mr. Joshua Williams appeared as counsel; and his advice was also taken with regard to the enclosure of parts of Hampstead Heath and Wimbledon and other Commons, where litigation was avoided or compromised or settled by Act of Parliament. Other cases argued by Mr. Williams and relating to the same branch of the law were *Willingale v. Maitland*, L.R. 3 Eq. 103; *Johnson v. Barnes*, L.R. 8 C.P. 527; and *Robinson v. Duleep Singh*, 11 Ch. D. 798. A popular account of the above-mentioned controversies may be found in the volume entitled "English Commons and Forests," by the Rt. Hon. G. Shaw-Lefevre (Cassell & Co., 1894).

These cases of common were his most prominent forensic successes. One of his most admirable arguments was, however, delivered in the case of *Jeyes v.*

Savage, L.R. 10 Ch. 555, which he induced Lords Justices James and Mellish, who at first were entirely against him, to distinguish from *Woodcock v. Duke of Dorset*, 3 Bro. C.C. 569. Another important case which he successfully argued was *Tagore v. Tagore*, L.R. Indian Appeals, supplementary volume (1880), p. 47. For this he was complimented by his grateful client with an additional *honorarium* of one hundred guineas.

Besides his Court practice, Mr. Joshua Williams had, as Queen's Counsel, a very large number of cases for opinion on points of property law, especially as to copyholds and the construction of wills.

In 1875, upon the establishment by the Council of Legal Education of professorships in various branches of law, Mr. Joshua Williams was appointed to fill the chair appropriated to the law of Real and Personal Property. He was re-elected annually for the next four years. The quality of his lectures may be judged from those which he published. His first lectures, on Seisin, are perhaps open to the criticism that they dealt too much with obsolete law. But his lectures on Settlements are models of the instruction as to law and practice which should be imparted to students from a professorial chair. And in his lectures on rights of common, he drew upon his own unique experience with the happiest results, gave an admirably clear exposition of the law, and rendered easily accessible a know-

ledge of the subject, which could otherwise only have been acquired by laboriously sifting a vast deal of recondite learning.

Mr. Joshua Williams suffered from delicate health after 1875, when he had to undergo an operation for stone. Owing to a severe illness in the long vacation of 1880 he resigned his professorship. The next year his health finally broke down, and he died on October 25th, 1881.

As an advocate, Mr. Joshua Williams was suave, dignified, and somewhat deliberate. His arguments were carefully studied; and he liked to deliver them as prepared without being cut short or interrupted. He was more at home in the serenity of proceedings before a Court of Common Law sitting in Banc (such as the Lord Chief Justice Cockburn approved) than in the bustle of a case heard by the late Sir George Jessel; and he did not easily fall in with the practice pursued by the latter distinguished judge of threshing out the points of an argument by constant interrogation and remark. In his latter days Mr. Williams suffered from partial deafness, which of course made the ways of a talking judge more trying to him, and it is thought that sometimes he judiciously used his affliction as a shield against unseemly interruption from the Bench. It must not be supposed, however, that he was an ineffective speaker. His best speeches, such as the argument delivered in *Jeyes v. Savage*, had the felicity of expression and persuasive charm, which

characterised his writing ; and he could hold his own when pitted against the most eminent advocates of his day, such as Sir George Jessel himself (who was a truculent opponent at the Bar) and the late Lord Selborne, when practising as Sir Roundell Palmer. As a conveyancer, and in all matters of perusing legal documents, Mr. Joshua Williams was an extraordinarily rapid worker. He possessed in the highest degree the capacity of concentrating his attention on the matter in hand, so that each piece of work was gone through once only and then thoroughly mastered. This enabled him to get through his extensive conveyancing business without the night work which a large practice usually entails. He seldom worked in the evening, nor did he rise to peruse papers or settle drafts in the early morning. In the days of his greatest conveyancing practice, he would leave home after breakfasting at half-past eight, and return for dinner at half-past six, having accomplished his day's work in the interval ; nor did he rely on much assistance in his labours beyond what he obtained from his pupils. He was at the same time an exceedingly careful and conscientious worker. He was also marvellously quick in composing his lectures. He had to deliver two a week, while engaged in considerable practice. He prepared these as required, never in advance, during his usual working hours. After a short collection of books and authorities the lectures were dictated to a shorthand writer,

from whose transcription the published lectures were printed almost *verbatim*.

Mr. Joshua Williams's reputation amongst his contemporaries is sufficiently evidenced by the praise bestowed on him as above mentioned by Lord Chief Justice Erle and Mr. Sweet. His influence on the minds of those who had studied the law of real property in the pages of his book has been since his death remarkably shown in the case of *Whitby v. Mitchell*, 42 Ch. D. 494; 44 Ch. D. 85, deciding that there is a rule of law, independent of the rule against perpetuities, that an estate cannot be well limited, in remainder after an estate given to an unborn person for life, to any child of such unborn person. The late Lord Justice, then Mr. Justice, Kay, before whom the case came in the first instance, stated that he did not want any higher authority for this rule than that of the late Mr. Joshua Williams, who, he said, "was one of the best real property lawyers that have existed in my lifetime"; whilst in the Court of Appeal Lord Justice Lindley was also satisfied to express his conviction that Mr. Joshua Williams was correct. Unfortunately it did not appear in argument in this case that the exact point in controversy was one on which the Master had expressed two opinions. In the first edition of the "Real Property" (p. 212) he distinctly recognised that no precise rule had ever been formulated as to the time within which contingent remainders must vest, beyond the requirement that they must vest before the determination

of the particular estate. And he remarked upon the difficulty of extracting a rule from the only proposition laid down (which he allowed to be but a single example) that an estate cannot be given to an unborn person for life, followed by any estate to any unborn child of such unborn person. He also commended the ability with which Mr. Lewis in his treatise on Perpetuities, had advocated the view that this proposition is in truth no more than an instance of the operation of the rule against perpetuities. But in the third and subsequent editions of the "Real Property" (pp. 227, 406, 3rd edition; 276, 531, 13th edition) Mr. Williams laid down the proposition in question as an independent rule derived from the doctrine against double possibilities, and he added an appendix, in which he particularly combated the view Mr. Lewis had supported. It is by no means certain that in this instance second thoughts were the best. A very learned American Real Property lawyer, Professor J. C. Gray, of Harvard, whose comprehensive study of the authorities on Perpetuity is unequalled, has argued very strongly against Mr. Williams's later view (Gray, "Rule against Perpetuities," Boston, 1886, pp. 135 sq., 204—213). Whilst the insufficiency of the rule laid down in *Whitby v. Mitchell* was demonstrated in the very same year by the case of *Re Frost*, 43 Ch. D. 246, which the Providence that shapes our laws humorously allotted to the decision of Mr. Justice Kay himself.

Mr. Joshua Williams's name will be handed down as

that of a great lawyer, but his eminence as a writer may perhaps be not so well remembered. Success in legal authorship is visited with the dreadful penalty that each successive new edition usually mars the artistic quality of the original work. It was this quality which gave distinction to the original treatise on Real Property, the use of which was of course superseded by subsequent editions, and which is not even preserved in Lincoln's Inn Library. To take Charles Lamb's distinction, it was a book, not a thing in book's clothing; and how many English law-books are there, which can be admired for their literary qualities? How many can be read with any pleasure? Blackstone's Commentaries are of course the type of supreme excellence in this respect; although, as a delight to the mind, it is hard to say that any law-book surpasses Chief Justice Oliver Wendell Holmes's small volume on the Common Law. Mr. Joshua Williams's treatise is worthy to rank beside these; while for ease, simplicity, and grace of style, apparent not only in the "Real Property" but also in the letters to *John Bull*, and the paper on Land Transfer, it is not too much to say that Mr. Joshua Williams may claim a place on a level with his great contemporary, William Makepeace Thackeray. To a labourer in the same field the technical quality of Mr. Williams's writing appears as absolutely right as that of the late Charles Keene's drawing is held to be by his brother artists.

Mr. Joshua Williams's published works, besides

the books on Real and on Personal Property, are :—

Fourth edition of "Watkins on Descents," 1837.

"Letters to *John Bull* on Lawyers and Law Reform," 1857.

"Essay on Real Assets," 1861.

"The Seisin of the Freehold" (lectures delivered as Professor in 1876), 1878.

"Lectures on Settlements" (delivered in 1876), 1879.

"Lectures on Rights of Common" (delivered in 1877), 1880.

He also wrote the following papers read before the Juridical Society, and printed amongst their Transactions, vol. i. pp. 45, 131, and vol. ii. p. 589, viz.—May 21st, 1855, "On the origin of the present mode of family settlements of landed property"; December 3rd, 1856, "On the mark system with associated labour in the management of criminals"; March 24th, 1862, "On the true remedies for the evils which affect the transfer of land." The last was also separately published by him. As many suggestions in his books show, he was always an ardent advocate of law reform.

Mr. Joshua Williams first occupied chambers at 5, Chancery Lane, whence his preface to the 4th edition of Watkins on Descents is dated. The preface to the 1st edition of the "Real Property" was written at 3, New Square. Thence he moved to 7, New Square, where during the rest of his

conveyancing practice he occupied chambers on the ground floor. When he took silk, he migrated to 3, Stone Buildings, first floor, south, and occupied the large room facing east (front). In 1879 he removed to 7, Stone Buildings, on the first floor, where he occupied with the present writer the set of chambers next the top of the staircase, using the large room himself.

Amongst Mr. Joshua Williams's pupils whilst he was a conveyancer were :—

Mr. Arthur Cohen, Q.C.

Sir H. S. Cunningham, K.C.I.E., formerly a Justice of the Supreme Court of Calcutta, and author of several well-known novels.

Mr. Duncan Darroch.

Mr. Arthur B. Dickson, formerly a Member of the Institute, and Mr. Williams's first pupil.

Mr. G. B. Finch.

Mr. Frederic Harrison, Professor of Jurisprudence in the Inns of Court, 1877-1889, also well known as a man of letters.

Mr. W. W. Knox.

Mr. B. Leigh Smith, the Arctic Explorer.

The late Sir Henry Longley, Chief Charity Commissioner.

Mr. J. B. Gunning Moore.

Mr. J. A. Rhodes, of Messrs. Rhodes, Hardisty, & Rhodes.

The late Mr. J. Seeley, of St. John's College, Cambridge.

The late Mr. John Cyprian Thompson, of the Cape of Good Hope Bar.

Mr. W. Melmoth Walters, of Messrs. Walters, Deverell, Walters, Wood, and Walters, President of the Incorporated Law Society, U.K., 1891-2.

The late Sir Joseph Henry Warner, formerly Counsel

to the Chairman of Committees of the House of Lords.

The late Mr. George Waugh.

Mr. Arthur P. Whateley, lately a member of the Institute.

Mr. F. Whitting, now Vice-Provost of King's College, Cambridge.

Mr. J. S. Williams, Mr. Joshua Williams's eldest son, a Justice of the Supreme Court of New Zealand.

Mr. Edmond R. Wodehouse, M.P.

When Mr. Williams first married, he lived in Albion Street, Hyde Park. After moving successively to Devonport Street, Strawberry Vale, Finchley, and Newington Hall, Stoke Newington, he settled about 1856 at 3 (now 48), Leinster Gardens, Hyde Park. He sold this house about the end of 1870, having built one in Sussex, Sandrock, Ore, near Hastings. In 1873, he took a lease of 49, Queensborough Terrace, W., where he lived for the remainder of his life. He sold his house, Sandrock, in 1877.

Mr. Joshua Williams was remarkable for his great height—6 feet $4\frac{3}{4}$ inches. He was not a man of much muscular strength, or particularly active or athletic habits. He used to ride in his youth, when riding, as a means of locomotion, was more common than it is now; and he was also a fisherman. In and after middle life, however, he did not pursue any form of sport; and he found his walk to and from chambers sufficient exercise. Nor was he much more active in the vacation. His tall but comparatively slender frame could not support great muscular exertion as

well as severe intellectual work. The latter was a necessity for him, owing to his profession ; but he was only able to accomplish it by leading a very quiet and regular domestic life, with long hours of sleep.

Mr. Joshua Williams married (1) May 4th, 1836, Lucy, daughter of William Strange, Esq., of Nipton, Westham, Essex, by whom he left one son ; (2) April 18th, 1843, Elvira Anna, daughter of Lieut.-Colonel Pownoll Phipps, H.E.I.C.S., of Oaklands, near Clonmel, Co. Tipperary, by whom he had two sons and three daughters ; (3) August 12th, 1851, Martha, daughter of the Rev. Cyprian Thompson, Incumbent of Fazeley, Tamworth, Staffordshire (sister of Mr. Henry Egerton's second wife, above, No. 11), by whom he left one son ; and (4) August 14th, 1873, Mary, daughter of Thomas Webb, Esq., of Hereford. His eldest and youngest sons have followed their father's profession. The eldest, Joshua Strange Williams, was called to the Bar at Lincoln's Inn in Michaelmas Term, 1859, but did not practise in England. Disliking London life, he emigrated to New Zealand, of the Supreme Court of which Colony he has, since 1875, been a Justice. The youngest is the present writer, who, called in 1877, enjoyed, during the last three years of Mr. Williams's life, the invaluable experience of assisting him in the preparation of his opinions.

The facts here narrated, beyond such as are verifiable from the ordinary sources of reference or family

records, are either within the writer's own recollection or were related to him by Mr. Williams himself.

Mr. John Simmonds, of Lincoln's Inn, has kindly furnished the writer with the following anecdote :—

“Like most leading conveyancers, your father had a strong objection to the undoubtedly convenient, if somewhat unsymmetrical, doctrine that a charge of debts in a will empowered executors to sell the testator's real estate, and in his essay on Real Assets he denounced and criticised the decisions in support of that doctrine, with great energy and considerable humour. About the time that the book was written I had the honour to be the junior to your father as counsel for the plaintiff in the case of *Greetham v. Colton*, reported in 34 Beavan, 615. The plaintiff's case largely depended on the obnoxious doctrine in question. The late Lord Justice Baggallay and Sir A. G. Marten, now a County Court Judge, were the counsel for the defendant ; and I well remember the jocund spirit with which Mr. Baggallay read a long passage from your father's book, and his turning to your father and finishing with the words, ‘Reader, shut up thy understanding, and bow down before the idol of authority.’ These words concluded the chapter in Real Assets which discussed the doctrine. Your father, however, did not meet with the fate of the eagle in classic song, which was transfixed by an arrow fledged with a feather from his own wing ; as Lord Romilly promptly decided in our favour.

“Perhaps I may be permitted to add that I retain very pleasant memories of my professional relations with your father; he was always so kind and courteous to young barristers. Those were barbarous ante-fusion days, and doubtless things are much improved; but in those days a young barrister often went to his senior’s chambers with the sort of feeling that a nervous invalid enters a specialist’s consulting-room. With your father there was no feeling of that kind; he always made the best of the case, and never resorted to the small device of disparaging the pleadings in order to enhance the advocacy.”

Mr. Frederic Harrison writes:—“I was a pupil of the late Mr. Joshua Williams for a year in 1856-7. I well remember the great learning and immense care and accuracy of Mr. Williams, and his very great attention to his pupils, to whom he personally read such text-books as those of Sugden and Jarman, and expounded them *vivâ voce*. I was in particular a great admirer of the wonderfully lucid and elegant style of his own books; I have always considered them as quite unrivalled and as models of clearness and finish of language. I was wont to attribute this peculiar merit in part to his invariable habit of *dictating*, and never using his own pen for drafts. He thus acquired a singular gift of clear and accurate composition. As a neighbour I frequently walked with him to and from the Inn, and had the pleasure of being received by him at home. And I thus

came under the influence of his very genial and friendly manner with his juniors and friends.

“I rather doubt the comparison of Mr. Williams’s style to that of Thackeray, whose writing, from the subject, led him to all forms of playfulness, wit, and colloquialism. I should rather compare the style of the “Law of Real Property” to that of Hume—or say Gaius. It was the perfect simplicity and yet rhythm of his sentences which made his books so pleasant.”

[*Authority*: Mr. T. Cyprian Williams, now a Member of the Institute, and author of the above Memoir of his father; Mr. Justice Williams (see above), who perused the MS.]

No. 59.

JOSEPH HENRY DART.

Elected 1853; Honorary Member 1887; died 1887.

MR. DART was born January 23rd, 1817, at the East India House, Leadenhall Street; his father, who in the "Dictionary of National Biography" is described as of Tidwell, Devonshire, being for many years the secretary of the East India Company.

He was educated at the school at Beckenham of the Rev. Thomas Dale, afterwards a Canon of St. Paul's and Dean of Rochester. He entered at Exeter College, Oxford; matriculated in 1834, took his degree in 1838, and proceeded M.A. in 1841. He won the Newdigate in 1838 for a poem on "The Exile of St. Helena," beating Ruskin, who gained it the following year. Dean Stanley had won it in 1837, Dart being then one of the defeated candidates. He was admitted a student of Lincoln's Inn on January 25th, 1836, and was there called to the Bar January 28th, 1841, having been a pupil in the chambers of Mr. Joshua Bateman, of the Queen's Ancient Serjeant Manning, of Mr. Duval and of Mr. Loftus Wigram successively. With the last-named gentleman he was for three months only, as

Mr. Wigram fell ill, and returned to Mr. Dart's father the cheque for a hundred guineas which the latter had sent for the pupil fee.

In 1842 Mr. Dart married Adeline Pennal, eldest daughter of Richard Humber, Esq.

In 1844 he published a pamphlet, "Suggestions for the Registration of Title," and in 1851 his "Treatise on the Law of Vendors and Purchasers."

As the author of that work Mr. Dart became most generally known among lawyers. At the time of its publication the treatise on the same subject by Lord St. Leonards, then Sir Edward Sugden, of which the first edition had been published fifty years before, and an eleventh, revised by the author himself, had appeared in 1846, was universally referred to for the guidance of counsel and solicitor, in many of the most frequently recurring problems of their practice in real property law. Nor was the unique character of Lord St. Leonards' book its sole or chief title to regard. Its author was, and still is, esteemed as the greatest master in his day of the subjects of which he treated with his pen. Nevertheless, Mr. Dart's "Vendors and Purchasers" at once became a rival of the, at that time, more bulky work of Lord St. Leonards. Its comparative brevity was no doubt a point in its favour; but it also excelled in literary form and in the manner of arrangement and indexing. It had also the advantage of exhibiting its subject more from the point of view of the middle of the century than from that of its beginning, and

the advantage which an accomplished writer, who first produces a treatise on a subject he has mastered, has over the editor of new editions of an old treatise, even though it be his own. Whether the causes were those above suggested or others, the result of Mr. Dart's bold effort was that he speedily took his place as an authority beside Lord St. Leonards. The veteran indeed published three more editions, one of them being abbreviated and entitled "A Concise and Practical View" in the Years 1851, 1857 and 1862; but Mr. Dart also, an edition having been published in America in 1851, published a second London edition in 1852, a third in 1856, a fourth in 1871 and a fifth in 1876. For the last thirty years Lord St. Leonards' book has for general purposes been superseded by that of Mr. Dart, though the elder writer is of course, and doubtless will yet for a long time be, also resorted to for light which his words may throw on doubts upon the law governing contracts for the sale and purchase of land, in so far as that law is now what it was when he wrote. No edition of his work, however, has been published since the fourteenth, in 1862. After Mr. Dart's death, and in the year 1888, a sixth edition of his treatise was issued by the late Mr. William Barber, Q.C. (below, No. 94), Mr. R. B. Haldane, Q.C., M.P., and Mr. W. R. Sheldon, all of Lincoln's Inn. Mr. Badger-Eastwood (below, No. 65) had begun to assist Mr. Dart in the preparation of his fourth edition; but he dying before what he had done could be made available, Mr. Barber accepted

his office and co-operated with Mr. Dart in the preparation of that and the fifth edition.

He was appointed one of the Conveyancing Counsel of the Court of Chancery in 1860, and a Bencher of his Inn in January, 1885; he resigned his appointment as a Conveyancing Counsel of the Court in 1886, and at the age of seventy died June 27th, 1887, having been compelled by ill health to retire from practice in the autumn of the previous year.

He purchased the Beech House estate, a beautiful property near Ringwood, between the New Forest and the Solent, in 1867, and it was his habit to go down every Friday afternoon and remain until Tuesday morning, even during the busiest years of his large practice as a conveyancer. He was elected in 1877 a Verderer of the New Forest, and was a Justice of the Peace for Hants.

Among Mr. Dart's many pupils were :—

The Honourable Sir Henry B. Buckley, a Justice of the High Court.

The late Mr. William Barber, Q.C., County Court Judge (below, No. 94).

Mr. John Dixon,
Mr. Henry Gaselee,
Mr. G. E. Cruickshank, } now Members of the Institute.

Mr. J. H. D. Goldie, President of the Cambridge U.B. Club.

His Excellency The Right Hon. Sir Alfred Milner, K.C.B., G.C.M.G., Her Majesty's High Commissioner for the affairs of South Africa, and Governor of the Cape Colony.

The late Sir David Solomons.

Mr. M. S. Grosvenor Woods, Q.C.

Mr. W. H. Upjohn, Q.C.

Mr. C. C. M. Dale, a reporter for the Law Reports, and an editor of "Lewin on Trusts."

Mr. Dart was not only an able lawyer but a man of many-sided and various talent—artist, naturalist, farmer, a very fair shot and an enthusiastic mountaineer. He was an original member of the Alpine Club, and for twenty-seven consecutive years (except that of the French and German War) he never failed to make his annual pilgrimage to the "Eternal Snows." Nor did he in maturer life forget the studies of his youth:—in 1862 he published his translation, in hexameter verse, of the first twelve books of the "Iliad," and in 1865 one of the complete "Iliad." These translations attracted the favourable notice of Dr. Whewell and Lord Lindsay. There may be a difference of opinion as to the suitability of the metre to the English language—but there was none as to the faithfulness and accuracy of the rendering. The work was the relaxation of his leisure moments, and was chiefly done at night, partly as a means of diverting his thoughts from his sorrow for the loss of his only son, who died on the eve of leaving Winchester, at the age of 18.

[*Authorities*: Some notes by the late daughter of Mr. Dart, and communications by Mr. John Dixon. See Memoir in "Dictionary of National Biography"; Foster's "Men at the Bar."]

No. 60.

ERIC RUDD.

Elected 1855 ; resigned 1858.

MR. RUDD, first son of the Rev. Eric Rudd, of Thorne, Yorkshire, clerk, was born about the year 1804. He became a student of Lincoln's Inn, June 18th, 1828, and was there called to the Bar November 19th, 1833. It will be observed that his Membership of the Institute did not last for more than three years, and his name does not appear in the Law List of 1869.

[*Authorities*: Law List 1842, 1869; first Minute Book of Institute; Lincoln's Inn Admission Register; Whishaw's "Synopsis"]

No. 61.

JOHN YOUNG KEMP.

Elected 1855 ; died 1880.

MR. KEMP was the eldest son of Mr. John Kemp, of Charlotte Street, Bloomsbury. He was admitted a student of the Middle Temple on November 3rd, 1831, and called to the Bar by that Honourable Society on May 8th, 1835. In 1842 he had chambers at 28, Southampton Buildings, but for more than thirty years before his death he practised at 4, Stone Buildings, Lincoln's Inn. Together with a clerical bachelor brother who was the incumbent of a City parish, he lived for many years in Weymouth Street, Portland Place. The brothers also had a cottage and garden at Sevenoaks.

Mr. John Davies Davenport, now a member of the Institute, was one of Mr. Kemp's pupils. He says that Mr. Kemp was a pupil for some years of Mr. Duval (above, No. 31). His practice as a conveyancer was for many years very extensive and was of a very high order. During the years of activity in railway building Mr. Kemp had entrusted to him the drafting of most important contracts on

behalf of several of the leading railway companies. In real property, too, Mr. Kemp was a learned and erudite lawyer, and many very heavy cases which came before the Courts and affected large estates were conducted under his direction.

He had for many years a continuous stream of pupils—all of whom became greatly endeared to him through the kindness he showed to them both in their work and in private affairs.

In the preface to the first volume of the late Mr. Robbins's edition of Bythewood's "Conveyancing" Mr. Robbins, who was a member of the Institute, wrote: "Some of the precedents in this volume are taken from MS. copies of drafts settled by the late Mr. John Young Kemp, of Lincoln's Inn, a conveyancer whose deep and accurate knowledge of law, rapid and firm grasp of fact, and neatness and clearness of expression, will not soon be forgotten, and a man whose genial and unaffected kindliness of character made all who knew him to love him. Several volumes of these copies were bequeathed by him to Mr. J. A. Tompson, of the Inner Temple, who has most kindly put them at my disposal."

According to some reminiscences of Mr. Kemp he was very fond of fishing and shooting; a slight grotesqueness in his personal appearance was an occasion of some fun among his acquaintance.

[*Authorities*: Records of the Middle Temple; Law Lists; and those cited in the memoir and gossip.]

No. 62.

RICHARD ALBANY NELSON.

Elected 1855 ; retired 1867.

FROM the records in the Steward's Office at Gray's Inn it appears that Mr. Nelson was the third son of Thomas Nelson, of Chester-le-Street, Durham, Esq., that on November 1st, 1831, after his father's death, Mr. Nelson was admitted as a student of Gray's Inn, and that he was called to the Bar by that Honourable Society on November 18th, 1835. Several Law Lists show that at an early period Mr. Nelson practised at 25, Old Square, Lincoln's Inn ; at a later one at 3, New Square of the same Inn ; afterwards at 55, Chancery Lane ; and in what were probably his two or three last years at 13, Gray's Inn Square. Mr. Nelson's retirement from the Institute in 1867 appears from its Minute Book to have been occasioned by ill health. His name appears in the Law List for 1875, but not in that for 1876.

[*Authorities* : Those cited in memoir.]

No. 63.

JOSEPH BURRELL.

Elected 1855; died 1880.

MR. BURRELL, born June 17th, 1809, was the only son of Mr. William Burrell, a dyer and merchant of Wakefield in Yorkshire. Mr. Burrell was educated first at a private school and afterwards at the Grammar School of Oakham. On leaving school he entered the office of Messrs. Scholey & Skipwith, solicitors, of Wakefield, and afterwards of Messrs. Few & Co., of London, but whether he was ever admitted as a solicitor has not been ascertained. He may have been articled in 1825, at the not unusual age of sixteen, and admitted in 1830, for it was not until April 15th, 1833, that, having resolved to go to the Bar, he was admitted as a student member of Lincoln's Inn. On January 14th, 1836, he appears to have migrated to and to have been admitted a member of the Middle Temple, and there he was called to the Bar on the 6th of May in the same year. Four days later, May 10th, 1836, he married Elizabeth, a daughter of Mr. Benjamin Greene, of Bury St. Edmunds.

Mr. Burrell was a pupil in the chambers of Mr. John Hodgkin (above, No. 20), and afterwards, Mr. J. A. Burrell thinks, in those of Mr. A. R. Sidebottom (above, No. 32). Though Mr. Hodgkin was about seventeen years the junior of Mr. Sidebottom, he retired from practice in 1844 and Mr. Sidebottom lived till 1847, so that Mr. Burrell may have studied with the younger man first. By both his ability as a conveyancer was thought of very highly. So far as can be inferred from the absence of Mr. Burrell's name from the Law Lists for 1833 and 1834, he did not, as so many of his contemporaries did, practise as a certificated conveyancer after his admission to an Inn of Court and before his call. Mr. Sidebottom told Mr. Parkinson, formerly the senior member of the firm of Messrs. Farrer & Co. of 66, Lincoln's Inn Fields, that Mr. Burrell could be trusted to do any work Mr. Parkinson might like to give him, and from that time Mr. Burrell had plenty of business. After a while he was understood to be Messrs. Farrer's principal adviser in their conveyancing practice.

Mr. Burrell's chambers were in Lincoln's Inn—for the first ten years after his call at 21, Old Square, whence he was moving when Sir (then Mr.) William James Farrer went to him as a pupil at the beginning of 1844—and in and after 1844 he practised at 7, New Square. His private residence was at Wimbledon in Surrey. At the time of the controversy with the

Lord of the Manor of Wimbledon—one of the series of controversies in some of which it appears (above, pp. 178, 179) that another member of the Institute, Mr. Joshua Williams, took a leading part—Mr. Burrell participated in organising the opposition to the threatened inclosure of the Common, and gave evidence before the Parliamentary Committees upon open spaces. The story of this opposition and its success in preserving the common as a public open space is told in the second and seventh chapters of the book upon English Commons and Forests written by Mr. Shaw Lefevre, now Lord Eversley. Mr. Burrell's co-operation is mentioned in that account.

Mr. Burrell took part in the consultations which preceded the drafting of the Bills for the Law of Property and Conveyancing Acts of 1881 and 1882, and the Settled Land Act, 1882, but he did not live to see them become law.

Among Mr. Burrell's pupils were :

Lord Macnaghten, Lord of Appeal in Ordinary.

Lord Davey, Lord of Appeal in Ordinary.

The Right Honourable Mr. Justice Kekewich, P.C.

Mr. E. H. Pember, K.C.

Mr. Andrew Thomas Turton Peterson, of the Indian Bar.

The Rev. Berdmore Compton.

Mr. Algernon Bathurst.

The late Mr. William Bachelor Coltman, a former member of the Institute.

Mr. Spencer Percival Butler, now one of the Conveyancing Counsel of the Chancery Division of the High Court, and a member of the Institute.

Mr. Isambard Brunel, D.C.L., Chancellor of the Diocese of Ely.

The late Sir Henry Jenkyns, K.C.B., Parliamentary Counsel to the Treasury.

Sir William James Farrer, formerly senior member of the firm of Messrs. Farrer & Co.

Mr. Burrell died at Brook Street, Hanover Square, on May 14th, 1880, leaving, out of thirteen children, five sons and five daughters surviving him. His eldest son, Henry, was called to the Bar on November 17th, 1862, practised as a conveyancer at 7, New Square, and died on August 24th, 1884. The second, Charles, was also called to the Bar on November 17th, 1863, and practised at 7, New Square, until he left the profession in 1877. He died on January 8th, 1895. Mr. Burrell's sixth son, Mr. Joseph Arthur Burrell already mentioned, is now the senior member of the firm of Messrs. Farrer & Co., above referred to. Mr. Burrell's other sons either died in infancy or did not enter the legal profession.

[*Authorities*: Printed Register of Lincoln's Inn Admissions; Records of the Middle Temple; Law Lists; Note by Mr. Burrows (above, No. 57); Memoir and Letter by Mr. J. A. Burrell.]

No. 64.

GEORGE DE MORGAN.

Elected 1856; retired 1872.

MR. DE MORGAN was the second of three sons of Lieut.-Colonel John De Morgan, an officer in the service of the Honourable East India Company. In the registers of admissions and calls kept by the Honourable Society of the Middle Temple, Colonel De Morgan is described at the date of his son's call to the Bar as of that rank and that service and of Madras. All his three sons attained distinction. The elder brother of the former member of the Institute was Professor Augustus De Morgan, the celebrated mathematician, and the younger, Dr. Campbell Greg De Morgan, became an eminent London physician. Of each a memoir is printed in the "Dictionary of National Biography."

The member of the Institute was born in 1808, and was educated at Shrewsbury School. On November 20th, 1833, he was admitted as a student of Gray's Inn, whence he appears to have migrated to Lincoln's Inn, of which he became a member April 19th, 1834. Finally he made another change

of Inn, and having been admitted a member of the Middle Temple on January 11th, 1837, he was there called to the Bar on January 27th, 1837.

Mr. De Morgan read law in the chambers of Mr. Walters (above, No. 8), and was a contemporary there of, among other pupils, Mr. Roundell Palmer, afterwards Lord Chancellor and Earl of Selborne, and Mr. John Wickens, who became a Vice-Chancellor. Mr. De Morgan was a favourite pupil of Mr. Walters, and after his call to the Bar became a tenant in the chambers, 30, Lincoln's Inn Fields, in which Mr. Walters long lived as well as practised. There he assisted Mr. Walters in his work, and there he practised on his own account for more than forty years and became eminent in his profession. Later he took chambers at 7, Stone Buildings, but after 1886 his name appears in the Law Lists without an address, and not at all after 1890.

Among Mr. De Morgan's pupils may be mentioned :

Mr. Frederick A. Bosanquet, K.C.

Mr. John Lewis Roget, a son of Dr. Roget, the author of "Roget's Thesaurus."

His Honour Alfred Martineau, judge of the County Court in Sussex.

The late Mr. C. S. Calverley, author of "Fly Leaves," etc.

On April 10th, 1844, Mr. De Morgan married Josephine, the third daughter of the late Admiral Sir Josiah Coghill Coghill, Bart. He lived at

48, Holland Street, Kensington. The late Mr. Joscelyn Augustus De Morgan, of Stone Buildings, Lincoln's Inn, equity draftsman and conveyancer, was a son of Mr. George De Morgan.

[*Authorities*: Letter from Mr. J. A. De Morgan, May 13th, 1895; Foster's "Men at the Bar"; "Dictionary of National Biography" under names of Mr. De Morgan's brothers; Notes by Mr. H. Rowe, of the Middle Temple Treasury; Lincoln's Inn Printed Register of Admissions.]

No. 65.

THOMAS SMITH BADGER-EASTWOOD.

Elected 1856; died 1866.

MR. BADGER-EASTWOOD was born at Rotherham in Yorkshire, where his father was a solicitor and held the office of coroner. One who knew this member of the Institute says he was for a short time a solicitor; another thinks that though he may have been articled to a solicitor, he was not admitted. However that may be, he was entered at Trinity Hall in the University of Cambridge, where in 1846 he took his bachelor's degree and in 1849 that of M.A.

On November 8th, 1841, Mr. Badger-Eastwood, then Mr. Badger, became a student of the Middle Temple, and at that Inn was called to the Bar on January 29th, 1847. He was a pupil of Mr. Coulson (above, No. 33), and an intimate friend of Mr. Hayes (above, No. 34). In the fourth edition of Jarman and Hayes' "Forms of Wills," published in 1849, the learned authors acknowledged the assistance given them by Mr. Badger, and the fifth and sixth editions of the work published in 1860 and 1863 respectively,

were prepared by him. He also assisted Mr. Charles Davidson (above, No. 55) in some editions of his "Concise Precedents."

In the interval between the publication of his two editions of Hayes and Jarman, Mr. Badger assumed the additional name of Eastwood.

From the year 1857 to that of 1866 Mr. Badger-Eastwood held the office of Reader in the Law of Real and Personal Property under the Council of the four Inns of Court for Legal Education. His chambers in 1847 and 1861 were at 1, New Square, Lincoln's Inn. His death appears to have occurred in 1866.

[*Authorities*: Information furnished by the late Mr. Alexander Brodie, Mr. John Dixon, and Mr. M. G. Davidson, also by Mr. Rowe, of the Under Treasurer's Office of the Middle Temple; "Graduati Cantabrigienses 1760—1850"; Letters from Messrs. Sweet & Maxwell and the Clerk of the Council of Legal Education.]

No. 66.

THOMAS LEWIN.

Elected 1858 ; died 1877.

MR. LEWIN was born on the 19th of April, 1805, at Ifield in Sussex. He was the third son of the Rev. Spencer James Lewin, Vicar and Patron of Ifield, Sussex, and Rector of the adjacent parish of Crawley in the same county, being also for some years Rector of Rushden, Hants. Mr. Spencer James Lewin's father was Mr. James Lewin of Bushy, or Bushey, in Hertfordshire.

The Mr. Lewin who was a member of the Institute was educated at the Merchant Taylors' School and Oxford, having matriculated at Worcester College on November 29th, 1823. He afterwards obtained an open scholarship at Trinity College and migrated thither. He took a first class in Lit. Hum. in 1827, graduated B.A. 1828, and M.A. 1831. Among his college friends were the late Cardinal Newman, Dr. Claughton, Bishop successively of Rochester and St. Albans, and Sir George Rickards. Mr. Herman Merivale, the Hon. Edward Twisleton, and Mr. H. Davison, afterwards

Chief Justice of Bombay, were among his contemporaries there. On January 20th, 1830, Mr. Lewin was entered as a student at Lincoln's Inn, and there, January 29th, 1833, he was called to the Bar. He became a pupil in the chambers of Mr. Brodie (above, No. 2).

Though called early in 1833, Mr. Lewin's name does not appear in the Law Lists until 1837, and in Whishaw's "Synopsis of the English Bar," published in 1835, it appears without the addition of "equity draftsman and conveyancer" which it afterwards bore in the Law Lists. Possibly in those first four years he may have confined himself to the great task of writing his "Treatise on the Law of Trusts and Trustees"—the work by which he has been and will long be best known as a lawyer. It was first published in 1837, when its author had been only four years at the Bar. It speedily took rank as an authority on its subject, and after a lapse of nearly seventy years remains still, in its 11th edition, a book daily resorted to by practitioners for guidance in the innumerable perplexities of the law with which it deals. The 2nd, 3rd, 4th, 5th, and 6th editions were published in the years 1842, 1857, 1861, 1867, and 1875 under the superintendence of the author. In the 3rd and 4th editions he acknowledges great assistance by Mr. F. O. Haynes and also the help of both Mr. P. A. Kingdon—the original constructor of the admirable index—and Mr. Crackanthorpe, then Mr. Montague Hughes

Cookson. The 6th edition contained new chapters upon the duties of trustees in raising portions and making purchases. In that edition too Mr. Lewin was assisted by his relative, Mr. F. A. Lewin, who, after the author's death, issued the 7th and 8th editions in 1879 and 1885. In consequence of the death of that gentleman, the subsequent care of the work has been undertaken by Mr. Cecil C. M. Dale, who had reconstructed the index for Mr. F. A. Lewin's 8th edition, and under Mr. Dale's conduct the 9th, 10th, and 11th editions have appeared in 1891, 1898, and 1904 respectively.

Of course the work increased vastly in bulk in the course of its successive editions. The first occupied 789 pages, the 10th 1479. The growth of the law in statute and decision involved a corresponding increase in the length of adequate statements of their effect; but the fact that Mr. Lewin was able to make his 4th edition rather shorter than his 3rd gives a comforting suggestion that it may be possible as well as expedient to cultivate that compression in text-books for which Burton's "Compendium" is celebrated.

Aided doubtless by the reputation the publication of his book had given him, Mr. Lewin acquired an excellent conveyancing practice. He is said to have "rendered valuable assistance" to Lord St. Leonards in framing measures of law reform. One of that great lawyer's principal efforts of that kind was the passing, while he was Lord Chancellor in 1852, of

the Acts made to amend the practice of the Court of Chancery and for the relief of its suitors. By one of those Acts (15 & 16 Vict. c. 80) the ancient office of Master in Chancery in Ordinary was abolished, and the appointment by the Chancellor of Conveyancing Counsel of the Court of Chancery authorized. Mr. Lewin was one of the first six (see above, p. 4). Lord St. Leonards' letter of appointment was as follows :

“ BELGRAVE SQUARE,
“ *July 1st, 1852.*

“ MY DEAR LEWIN,—

“ I have done myself the pleasure of appointing you one of the six Conveyancing Counsel under the new Bill, as I am anxious to start with a good list.

“ Believe me,

“ Yours very truly,

“ ST. LEONARDS.

“ T. LEWIN, ESQ.”

Mr. Lewin became the survivor of the originally appointed six, and continued to act until his death. His chambers were first at 19, afterwards at 21, and during the last twenty years of his life on the ground floor of 8, Old Square, Lincoln's Inn, immediately under those of Mr. Bellenden Ker (below, No. 67). The house was taken down a few years ago, and its site must be part of that on which 10 and 11 now stand.

Among Mr. Lewin's pupils were :

Mr. Crackanthorpe, K.C., D.C.L.

Lord Justice Cozens Hardy.

Mr. F. P. Onslow.

Mr. Murray Browne, an Inspector of the Local Government Board.

Assiduous as was Mr. Lewin's attention to the law, its study was not the sole object of his thought, nor did it occupy all his time. It is said that it was owing to the persuasion of his friend Lord St. Leonards, then Sir Edward Sugden, that Mr. Lewin became a lawyer instead of seeking Holy Orders. In ultimately choosing a lay career he did not abandon studies appropriate to a clerical one. Throughout the forty years which elapsed between Mr. Lewin's publication of his book on Trusts and his death, and while keeping its successive editions abreast of the ever-flowing current of legislation and decision, and also conducting an extensive practice, he found time to collect the materials for and produce "A Treatise on the Life and Epistles of St. Paul." On that, it has been said, his fame as an author will mainly rest. The first edition in two volumes was published in 1851 or 1852; a second in two large quarto volumes enriched with choice engravings appeared in 1874; and a third was issued after Mr. Lewin's death.

The contributor to the *Annual Register* of a memoir of our member wrote that it was Mr. Lewin's pleasure to probe to the bottom, with unsparing

pains and research, some of those problems of literary controversy which the desultory student shrinks from encountering. In 1862, at the instance of Earl Stanhope, then the President of the Society of Antiquaries, of which Mr. Lewin became a Fellow in 1863, he made a special series of tidal observations in order to settle the question where Cæsar landed in Britain. His work upon that subject having attracted the notice of Napoleon III., who probably made use of it in his "Histoire de Jules César," the Emperor sent a sumptuously bound copy of his own book to Mr. Lewin. Only four presentation copies of it were sent to England.

Another very important work by Mr. Lewin was one on the chronology of the New Testament, which he entitled "Fasti Sacri." It was published in 1865 and described by its author as a twin work with the Life of St. Paul. Earl Stanhope highly praised it in the *Quarterly Review*.

Mr. Lewin also contributed several papers to *Archæologia*, and among them one on the Topography of Jerusalem. He also published a book entitled "Jerusalem: a sketch of the City and Temple from the earliest times to the siege by Titus." (London: Longmans, 1861.)

In April, 1865, Mr. Lewin married Mary Emily, the widow of George Brock, Esq., barrister-at-law, and eldest daughter of the Rev. Thomas Schreiber, of Bradwell-on-Sea, Essex. He died on January 5th, 1877, at his residence, 6, Queen's Gate Place, where

Mrs. Lewin, his widow, still lives. He left no child. Mr. Crackanthorpe writes of Mr. Lewin as one of the most kind-hearted and guileless of men, and that to know him was to love him.

[*Authorities*: Law Lists; Whishaw's "Synopsis"; "Alumni Oxonienses"; Lincoln's Inn Registers; *Annual Register*, 1877, Pt. 2; *Law Magazine*, 4th series, vol. ii. p. 272; *Solicitor's Journal*, January 13th, 1877; "Dictionary of National Biography"; Letter from Mr. Alex. Brodie, January 27th, 1893; Letters from Lord Justice Cozens Hardy and Mr. Crackanthorpe; Information given by Mrs. Lewin; Prefaces to the editions of Lewin on Trusts, and to the 2nd edition of "Life and Epistles of St. Paul"; *Archæologia*, xxxix. 309, xl. 59, 361, xli. 116, 135, 421, xliv. 17; Allibone's "Dictionary of Eng. Lit." and Supp.]

No. 67.

CHARLES HENRY BELLENDEN KER.

Elected 1858; retired 1860.

MR. KER was born about the year 1785, and was the only child of John Bellenden Ker, who then bore the name of John Bellenden Gawler. John Bellenden Ker, or his father John Gawler, appears to have been then the head of a family named Gawler, of Ramridge, in the parish of Weyhill, Hants, in the church of which several members of that family, including those above named, were buried (1).* John Gawler had married a daughter of the sixth Lord Bellenden in the peerage of Scotland, and that nobleman having died without male issue, his grandson, John Bellenden Ker, claimed to be his heir-general. On that Lord Bellenden's death, which occurred at Ramridge in 1797, his title had devolved on William, fourth Duke of Roxburghe; and it is said that, at the Duke's instance and out of regard for Mrs. Gawler, the King granted to her son licence to take the names of Ker Bellenden instead of Gawler. He was, however, invariably

* The numbers in this Memoir correspond with others in the authorities at the end of it.

known as Bellenden Ker, and was so named in litigation which followed the fourth Duke of Roxburghe's death (2).

That litigation concerned both the ducal title and the validity of dispositions of the Roxburghe Feu Estates, which Duke William, being childless, had endeavoured to make in favour of John Bellenden Ker, who was his second cousin. Duke William died in 1805, and disputes at once arose. Sir John Innes Ker claimed both the title and the Feu Estates. John Bellenden Ker did not, though others did, claim the dukedom, but he did claim the Feu Estates. Sir John, however, succeeded on both issues, the dukedom being adjudged to be his in 1812 (3), and the Feu Estates in December, 1813 (4).

Of the elder Bellenden Ker, described as "botanist, wit, and man of fashion" (5), many stories are still, or were till lately, current which might tend to make credible traditions of his complete neglect of his son's education, and of his having at some unspecified time suddenly told his son that he would give him an allowance for three years, after which he must shift for himself. A slight hope that they may be exaggerated is given in the good humour of a reply the late Miss Louisa Courtenay reported him to have given to her father when Mr. Courtenay said to Ker, "How well Henry takes to the law!" adding, "it is not thanks to your example." "Well," was the retort, "I haven't been such a bad father to him; I have set him an

example of all he has to avoid" (6). Mr. Ker had a picture by Sir Joshua Reynolds of his father, John Bellenden Ker, and his uncle, Henry Gawler, when boys. After Mr. Ker's death it passed into the possession of a late member of the Institute, Mr. Willoughby John Guthrie Loudon. A descendant of the Gawler family is said to have a miniature by Cosway of John Bellenden Ker. Henry Gawler was a barrister—at one time Recorder of Andover (1), ultimately one of the six Clerks in Chancery, an office abolished in the year 1842 (5 & 6 Vict. c. 103, s. 1).

Mr. Ker (then Charles Henry Gawler) became a student of Lincoln's Inn in 1804 (7). When he began his serious study of law is not known, but he pursued it in the chambers of Mr. Duval (above, No. 31); and it was probably some years before 1811, as in that year he was practising as a certificated conveyancer at No. 19, and in 1812 at No. 8, Old Square, Lincoln's Inn (8). There (being called to the Bar in 1814) he continued to practise until his retirement in 1860. To his latest day in Lincoln's Inn he was wont to enlarge to his pupils on the merits of the great conveyancer who had been his tutor. He used also often to mention his friend Mr. Tinney (afterwards a Master in Chancery) as having, more than any one else, taught him how to learn and how to work.

In his later days also he often spoke of the poverty of his early ones; but he had some good friends. Sir Samuel Romilly was, it is believed,

among them. One of his many stories was that on one occasion he entertained in his chambers four men, every one of whom afterwards became Governor-General of India. Three of the four—according to the narrator's recollection—were Eden, Law, and Ramsay, afterwards Lords Auckland, Ellenborough, and Dalhousie.

The charm of John Bellenden Ker's conversation, which was of great repute, his son inherited, and his vivacity and wit must have made him a welcome guest or companion, though his quick temper and somewhat reckless fun often gave offence.

Mr. Ker's early years in Lincoln's Inn were the early years of the *Edinburgh Review*, and among the friendships he formed was one with Mr. (afterwards Lord) Brougham (9). He became associated with the schemes for Parliamentary and other reform, and for the promotion of education, which Brougham and those who acted with him propounded.

In aid of their projects he wrote in the *Edinburgh Review* and in the *Times* (10). He was a member of the committee of the Society for the "Diffusion of Useful Knowledge," and it was probably in the conduct of the affairs of that society that he made the acquaintance and became a friend of Charles Knight, the publisher in popular form of what he and his friends thought good literature for general reading. The "Penny Cyclopædia," the *Penny Magazine*, and a valuable atlas were among their publications, and at the instance of a Welsh

clergyman, for whom Mr. Ker had procured promotion from Lord Brougham, the society undertook to publish a magazine in Welsh upon a plan similar to that of the *Penny Magazine* (9).

Mr. Ker's first intervention, as far as the compiler knows, in public work was made in 1819. The widely spread misappropriation of charitable gifts had attracted the denunciation of such men as the Lord Chief Justice (Lord Kenyon) in 1795, and the Lord Chancellor (Lord Eldon) in 1807 (30), before Brougham, in May, 1816—many of the misapplied charities having been founded for educational purposes—moved in the House of Commons for the appointment of a Select Committee "to inquire into the state of the education of the lower orders of the people in London, Westminster, and Southwark" (9a). The movement resulted in the constitution in 1819 (59 Geo. III. c. 81) of a Commission to inquire into the state of charity property generally, and the *Quarterly Review* appears to have criticised what was being done. Mr. Ker published a pamphlet—though his name did not appear—entitled "In Vindication of the Inquiry into Charitable Abuses, with an exposure of misrepresentations contained in the *Quarterly Review*" (32).

Two years later, in 1821, when he was a barrister of seven years' standing, Mr. Ker, by writing for the *Edinburgh Review* an article entitled "English Conveyancing," began his efforts to promote the amendment of the law which he prosecuted incessantly

till he retired from practice. He proposed amendments of the law of real property which largely foreshadowed those afterwards recommended by the Statute Law Commissioners. In a sense of the defects in the then existing law the Tory lawyer, Copley, afterwards Lord Lyndhurst, agreed much with Brougham, and in 1826, when Attorney-General, he had brought in a Bill to regulate the practice of the Court of Chancery. After Brougham's celebrated speech on Law Reform in the House of Commons on the 7th of February, 1828, Lyndhurst, being then Lord Chancellor, the Common Law and Real Property Law Commissions were issued, though the latter subject was not one of those of which Brougham had spoken. Lord Lyndhurst recommended Peel to name Mr. Ker as a member of the Real Property Commission ; but Peel objected to do so, as Mr. Ker had already expressed in print an opinion on the subject of the inquiry (11). He, however, gave evidence to the Commissioners (12). The principal contribution which his former tutor Mr. Duval (above, No. 31), who was one of their number, made to their recommendations was a scheme for the Registration of Assurances. Mr. Ker urged its adoption in a letter to Sir Robert Peel entitled "Registry or No Registry?" which was published in 1833. Two of the original Real Property Commissioners were original members of the Institute, and two other members of it were afterwards added to the list of Commissioners (see above, Prefatory Note).

Six Acts of Parliament relating to Prescription, Limitation of Actions, Fines and Recoveries, Dower, Inheritance and Wills, and passed in 1832, 1833, and 1837 respectively, were the fruits of that Commission. In Sir Courtenay Ilbert's "Legislative Methods and Forms," p. 80, it is stated that the Fines and Recoveries Act and other Acts arising out of the recommendations of the Real Property Law Commissioners are known to have been drawn by the great conveyancer, Mr. Christie. The editor of these memoirs ventures to think that Sir Courtenay Ilbert has been misinformed. That the Fines and Recoveries Act was drawn by Mr. Brodie can hardly be doubted (above pp. 3, 4), and that Mr. Tyrrell drew the Act for the Limitation of Actions relating to Real Property, and later the Wills Act, 1 Vict. 26, is shown by nearly as strong evidence (above pp. 10, 11). At the time when those pages were written the editor made such inquiry as he could concerning the authorship of the other bills introduced to and passed by Parliament upon the recommendation of the Commissioners, but he failed to obtain any information upon the subject. Renewed inquiry of Mr. Burrows, who was called in 1836, confirms the impression of the editor, who in the years 1853 to 1860 was in daily communication with Mr. Bellenden Ker, that neither he nor Mr. Christie was the draftsman of any of those bills, though Mr. Christie, as a pupil of Mr. Duval as early perhaps as 1815 (above p. 76), and practising as a certificated con-

veyancer before his call in 1824, was in a position in which his services might have been made use of. Who were the draftsmen of the bills is a question the answer to which should be contained in the records either of the Home Office or of the solicitor, if any, then employed by the Department.

In 1831 he became associated with the work relating to the public records which had been previously conducted under Royal Commissions issued in 1800, 1806, and 1817. In March, 1831, a Royal Commission was issued which, after revoking those previously issued, directed new Commissioners to continue the work with which the earlier ones had been charged, and of which they had accomplished much. Mr. Ker was a member of the new Commission. In 1837 they made a Report recommending, among other things, the establishment of a Public Record Office, and in the following year Parliament (1 & 2 Vict. c. 24) provided for the delivery of public records to the custody of the Master of the Rolls, and charged the Treasury with the duty of providing a building. That since erected on the Rolls Estate in Chancery Lane was not begun until the year 1851.

In 1831 also, while the Bills for the Parliamentary Reform Acts were being passed, Mr. Ker served as a Commissioner for fixing the boundaries of the boroughs (13), and at the election which followed the passing of the Reform Acts and as a supporter of the Ministry he became, but unsuccessfully, a

candidate for the representation of Norwich in Parliament. In the course of that contest he made the acquaintance of and was vigorously supported by a young man named Whitwell Elwin. They appear not to have met again until 1859, when Elwin had become editor of the *Quarterly Review*, and he and Ker dined together at Lord Brougham's house in London (14). The aid Mr. Ker gave to Lord Grey's Ministry in preparing and passing the Reform Bill and working the Boundary Commission was stated to have diminished his practice at the Bar, though afterwards he recovered it (15).

After the passing of the Reform Act, Mr. Ker does not appear to have diverged from law into political work, and though his subsequent activity was not confined to his legal practice, nor even to that and to efforts for the amendment of the law, his work, after 1832, was pre-eminently that of a lawyer. For Mr. Poulett-Thomson (afterwards Lord Sydenham), when President of the Board of Trade, Mr. Ker made a Report on the Law of Partnership which, with the evidence annexed to it, embodied much valuable information (16) and was printed in 1837 by order of the House of Commons (16a). A principal object of the inquiry was the question whether it was or was not expedient to authorize the formation of partnerships with limited responsibility—a question to the affirmation of which Mr. Poulett-Thomson was favourable. Mr. McCulloch (16) calls attention to a paper by Mr. Loyd (afterwards, the

writer supposes, Lord Overstone) which Mr. McCulloch thought showed the proposal to be inexpedient.

Upon the analogous question whether companies might safely be formed with limited liability, the writer recollects being present when, not long before Mr. Ker retired from practice, he was examined before a committee presided over by Lord Overstone, and appointed to consider the advisability of permitting the formation of companies with limited liability of their members. As lately as 1879 authority to form partnerships with limited liability was one of several objects to attain which clients of Sir Frederick Pollock instructed him to prepare a Bill. Subsequent experience, Sir Frederick wrote, showed that there was no real demand for the innovation, and the part of the Bill relating to it was abandoned. Other parts of it, though not passed upon its first introduction, ultimately and with some alterations, with which Sir Frederick Pollock was not concerned, became law as the Partnership Act, 1890 (53 & 54 Vict. c. 39). It codifies the general law of partnership and is one of several, though they are still few, successful applications of principles of legislation advocated (as will hereafter appear) by Mr. Ker in 1853 (17).

Mitigation of the harshness of the Criminal Law, which Sir Samuel Romilly had in the reign of King George III. sought, and to some extent obtained, was effected in the reign of King George IV. by

Sir Robert Peel's Acts. They materially changed the substance of the old law. Sir Fitzjames Stephen, after mentioning those statutes and several others subsequently enacted in King William's reign and in the first year of Queen Victoria, wrote as follows: "Though this state of things was a great improvement on that which preceded it, it left the Criminal Law in a most confused and intricate condition" (18). In order to remedy the admitted evils several Royal Commissions were issued. Of these the first was directed in the year 1834 to Thomas Starkie, Henry Bellenden Ker, William Wightman (afterwards Mr. Justice Wightman), Andrew Amos, and John Austin (the celebrated jurist), and instructed them to digest into one statute enactments touching crimes and the trial and punishment thereof, and into another the Common Law touching the same, and to inquire and report how far it might be expedient to combine both those statutes into one body of the Criminal Law, or how far expedient to pass the first statute only, and generally to inquire and report how far it might be expedient to consolidate the other branches of the existing statute law or any of them. With the pursuit of both the objects of that Commission Mr. Ker was thenceforth connected. Eight reports were made by the Commissioners of 1833 between that year and 1845. They appear to have been made by Messrs. Starkie and Ker only—the other Commissioners having become incapacitated for work on the Commission by the

acceptance of other offices, the duties of which could not be performed together with the work of the Commission. The reports related to, among other matters, capital punishment, prisoners' counsel, and juvenile offenders (17a). Sir F. Stephen described them as highly valuable and interesting (18). The seventh and eighth contained drafts of codes of Penal Law and of Criminal Procedure respectively. In 1845 a new Commission, superseding the former one, was issued for similar purposes. It directed Messrs. Starkie and Ker to complete the Report on Criminal Procedure with a digest of the law relating to it, and Messrs. Ryan, Starkie, Richards, Ker, and Amos to consider the reports of the former Commission, and the alterations therein suggested, and the expediency of consolidating the Criminal Law. After several reports by the Commissioners of 1845 concerning the revision and consolidation of the Criminal Law, the Lord Chancellor (Lord Cranworth) in 1853 submitted to the consideration of the judges two Bills founded on those reports. Their ultimate legislative fruit, however, was not yielded until the year 1861, when the task of dealing with the matter had been undertaken by the Statute Law Consolidation Commissioners of 1854, and the Acts 24 & 25 Vict. cc. 94 to 100 were passed. In the preface to the edition of those Acts by the late Mr. Charles Sprengel Greaves, Q.C., who had been chiefly concerned in giving final form to the Bills, may be found an account of the proceedings

of the Commissions and the difficulties encountered in giving effect to their suggestions (19). At a later time Sir F. Stephen strove to complete what—great as was its value—was only an imperfect performance of the task, and in the year 1878 his code was submitted to the consideration of the legislature. It was not passed into law, and twenty-eight more years have elapsed without any official recurrence to the subject.

After Mr. Ker's advocacy, in 1830, of Mr. Duval's project for the registration of assurances, his next contribution to the amendment of real property law was his preparation in conjunction with Mr. Hayes and Mr. Christie (above, Nos. 34 and 28) of the Real Property Act, 1845 (8 & 9 Vict. c. 106) and his letter explanatory of the several sections of the Act (19a), which by the direction of the Lord Chancellor, Lord Lyndhurst, he addressed to his lordship. The account Mr. Hayes gave of their reward (above, No. 34) may be noticed in conjunction with the losses of practice which Mr. Brodie (No. 2) and Mr. Tyrrell (above, No. 4) are said to have suffered from their efforts to amend the law.

In 1846, by direction of the President of the Board of Trade, Mr. Ker—with Mr. Ludlow as his junior—prepared a Bill for the Joint Stock Companies' Winding-up Act. The Bill being withdrawn after its first introduction, was in 1848 again brought into Parliament and passed (11 & 12 Vict. c. 45). Meanwhile, at Mr. Ker's suggestion, the Bill had undergone the revision of Mr. (afterwards His Honour Judge)

E. J. Lloyd, Q.C., and had been much considered by several of the most eminent equity counsel of the day. An amending Act—the Bill for which was drawn by Mr. Ludlow—was passed in 1849 (12 & 13 Vict. c. 108). Mr. Ludlow published editions of these Acts, and they continued in operation until the passing of the Companies Act, 1862 (10, 11).

On February 10th, 1847, Lord Cottenham being Chancellor, a Royal Commission was issued to Lord Langdale, M.R., Lord Beaumont, Joseph Humphry, Q.C. (above, No. 14), Henry Bellenden Ker, Walter Coulson, barristers, and George Frere and Francis Brodrip, solicitors, to inquire into the burdens affecting real property, and whether they could be diminished by registration of deeds and simplification of forms of conveyance, and by what means the same could be effected. In July, 1850, the Commissioners made a report, which with its appendices occupied 600 folio pages. They unanimously recommended registrations of title deeds, though Messrs. Humphry and Brodrip differed from the others concerning some details of method. The report mentions a plan proposed by Mr. R. Wilson for a registration designed to dispense with the need of a retrospective investigation of title (20). Before the report was published Lord Cottenham had retired. During the rest of 1850 and the years 1851 and 1852, Lords Truro and St. Leonards successively occupied the Woolsack, and the writer is not aware that the recommendations of the report were then attended to.

In 1853, at the request of Lord Lyndhurst, Mr. Ker embodied in a published letter to his lordship his ideas concerning the possibility of devising "means for removing the delay and cost in the transfer of real property" (11). It was one of many pamphlets published by real property lawyers in the thirty or forty years which followed the period of the Real Property Commissioners, and contains much material for an account of the progress, in those years, of legal thought. Of Mr. Ker's suggestions, it may be worth noticing here that this pamphlet and another, "Shall we Register our Deeds?" issued in the same year, must have been, if not the last, among the last attempts to secure the adoption of Mr. Duval's famous project. Whether Mr. R. Wilson's above-mentioned scheme was a forecast of the method of registration of title with which we are now familiar, the writer has not ascertained; but the new method not long after 1853 displaced in the minds of law reformers that of the registration of deeds. Among the remedies proposed by Mr. Ker's first-mentioned pamphlet of the year 1853 was that of implying in certain documents clauses usually expressed in them—a method afterwards adopted by Mr. Ker, as is more fully stated below, and later by Vice-Chancellor Hall (below, No. 80) and Mr. Wolstenholme (now an honorary member of the Institute) in the preparation of the Vendor and Purchaser Act, 1874, and Lord Cairns' Acts of 1881 and 1882 respectively.

The manner in which the task of the above-

mentioned Royal Commission of 1833 was performed, so far as it related to Criminal Law, has already been shortly stated. The part of it relating to the consolidation of the other parts of the statute law was resumed in the early part of the year 1853, when the Lord Chancellor—Lord Cranworth—announced the intention of the Ministry to proceed without delay in the work of the consolidation of the statute law. As a first and experimental step he obtained the services for one year of Mr. Coode, Mr. Chisholm Anstey, Mr. Brickdale, and Mr. Rogers, under the direction of Mr. Ker and the Lord Chancellor's own immediate superintendence.

Three Reports by Mr. Ker—dated August 12th, 1853, and January 27th and May 31st, 1854—with appendices, containing minutes and papers by his four assistants and comprising, among others, a specimen of a digest of the law of distress, an extract from an expurgatory list of obsolete statutes, and an analysis of the statute law, the whole occupying more than 600 folio pages, represent the work of the year.

Mr. Ker's principal recommendations were the gradual but continuous consolidation or re-writing, with amendments, of the statute law, and the establishment of a permanent Board to carry on, not only that work, but also the work of preparing or settling such Bills as should be submitted to them, and considering and reporting on others. The Board, he thought, should also be charged with the duty of watching the progress of Bills through the legislature

and making suggestions with respect to amendments. The benefit which might be expected from such a Board, was, he thought, shown by the benefit which had been derived from the appointment of Mr. Coulson (above, No. 33) to the office of Counsel to the Home Office charged with the duty of preparing Bills introduced by the Cabinet.

He also suggested the expediency of annexing to Bills a report from its framers explanatory of the motives for the alteration and the mode in which it is effected. Now such reports often accompany Bills in their introduction. In accordance with those recommendations the Lord Chancellor procured the issue in 1854 and 1855 of three Royal Commissions—the second and third being supplementary to the first—with himself at its head, the ex-Chancellors, leading Judges and Law Officers of the Crown following, and, as presumably its working member, Mr. Ker, and also Mr. Coulson, for the purpose of consolidating the statute law or such part thereof as the Commissioners might find capable of being usefully and conveniently consolidated, combining with that process, if they should think it advisable, the incorporation of any parts of the common or unwritten law, and also for the purpose of devising and suggesting such rules, if any, as might in the Commissioners' judgment tend to ensure simplicity or uniformity or any other improvement in the form or style of future statutes. The Report of these Commissions (July 10th, 1855) described nine Consolidation Bills

prepared by them, the appointment by Lord Cranworth of Mr. Ker to assist the Great Seal in the House of Lords in drawing such Law Bills as the Lord Chancellor should require and in generally examining and reporting to him as to all the Law Bills introduced in either House of Parliament, and the opinion of the Commissioners that a board or persons should be appointed to prepare, revise, and report upon Bills before they were brought into Parliament and to watch them during their progress. Three Reports were made in March, 1856, June, 1857, and February, 1859. In them, respectively, classification of the statutes, a method of accomplishing it, and the preparation of a register of the existing statutes, were, among other things, recommended. Moreover, the completion of such a register for a long period of years, which was in fact issued in 1859, was reported, and the Commissioners' expectation of being able to complete all this work within two or three years was announced. With the fourth Report, so far as the writer knows, the work of the last-named Commissioners ended. The criticisms of their action made in Parliament and the subsequent progress of the work so begun is described by Sir Courtenay Ilbert, who tells how in 1868 the Statute Law Committee was established to superintend Statute Law revision, and in 1869 the office of Parliamentary Counsel to the Treasury—which was first held by the late Lord (then Sir Henry) Thring—was created (21).

Before leaving this subject of legislative methods it may be well to note that Mr. Ker's above-mentioned first Report of 1853 wrote that the most important change in the method of legislation which had then lately taken place was that effected by the system of Clauses Consolidation Acts, devised and for the most part prepared by Mr. Booth when holding the office of Counsel to the Speaker of the House of Commons. It is, however, fair to mention that the method had been suggested at an earlier date by Mr. Tyrrell, in a treatise addressed by him to the Real Property Law Commissioners (22).

On behalf of Lord Cranworth (when Chancellor), and with the late Mr. Brickdale (a former member of the Institute) as his junior, Mr. Ker prepared the Leases and Sales of Settled Estates Act, 1856 (19 & 20 Vict. c. 120), and the Act of 1860 (23 & 24 Vict. c. 145), implying in mortgages and settlements several powers then ordinarily expressed in them, which was commonly known as Lord Cranworth's Act. The former at once enabled beneficiaries under settlements to obtain by applications to the Court of Chancery such remedies for defects in the instruments creating their settlements as could previously be obtained only by the very much more costly method of applications to Parliament for Estate Acts. With some subsequent amendments, and ultimately consolidation, that statute still lives as the Settled Estates Act, 1877, though it is almost wholly super-

seded by Lord Cairns's Settled Land Acts, 1882 to 1890. Lord Cranworth's Act of 1860 has also been superseded by Lord Cairns's Law of Property and Conveyancing Act, 1881, his Settled Land Acts and the Trustee Act, 1893, which repealed that statute, repeating with amendments and additions its contents as parts of the wider legislation contained in the repealing Acts.

Mr. Ker had, it is believed, a large conveyancing business throughout a long period, and in 1854, after the retirement of Mr. Basevi (above, No. 35), he succeeded him in the conduct of the conveyancing which related to the affairs of the Dukes of Bedford and Sutherland and the Earl of Ellesmere; he also had the conveyancing business of the Treasury, and of the Departments of Woods and Forests and of Works and Buildings. From about the year 1837 to 1856 he was Recorder of Andover (1).

He was not one of the six men who, on the abolition of the ancient office of Master in Chancery in Ordinary, were in 1852 appointed by Lord St. Leonards, C., as Conveyancing Counsel of the Court of Chancery; but on Mr. Brodie's death in 1854 Lord Cranworth nominated Mr. Ker as his successor. He was on terms of warm friendship with three of the Chancellors of his day—Lords Brougham, Lyndhurst, and Cranworth. In 1860, at the beginning of the Long Vacation, Mr. Ker retired from practice.

Among his pupils may be named :

- Mr. Thomas Barrett Lennard*, sometime M.P. for Maldon, eldest son of the late, and father of the present, baronet; said to have been Mr. Ker's first pupil and his generous and lifelong friend.
- Mr. S. Bannister*, editor of Bridgeman's Reports, 1823.
- Mr. John* (afterwards second Lord) *Wrottesley*, Fellow, and for a while President, of the Royal Society and founder of the Royal Astronomical Society.
- Mr. Richard Davis Craig*, Q.C.
- Mr. William Matthewson Hindmarch*, Q.C., author of a work on Patent Law.
- Mr. Leonard Shelford*, author of Shelford's (now represented by Carson's) Real Property Statutes and other legal works.
- Mr. W. F. Browell*, editor of the Real Property Statutes of King William IV. and Queen Victoria.
- Mr. W. C. Bell*, who became head of the Bar in Australia, refused a Judgeship, and presided over a Colonial Commission for the Amendment of the Law.
- Mr. William Lushington*, eldest son of the Judge.
- Mr. John Malcolm Forbes Ludlow*, C.B., who drew for John Stuart Mill Bills for Metropolitan Municipal Reform, of which one only was brought into Parliament in 1867; also drew the Friendly Societies Acts of 1875-6; was for a few months Registrar of Friendly Societies in England, and afterwards for nearly seventeen years Chief Registrar of Friendly Societies in England, Scotland, and Ireland. In the middle of the nineteenth century he was a leading member of the body of persons called Christian Socialists, of which he wrote an account in the *Atlantic Monthly Magazine* for January, 1896.
- Mr. John Bonham Carter*, afterwards M.P. for Winchester, for some years Chairman of Committees.
- Mr. Frederick James Furnivall*, M.A., Ph.D. Berlin, editor of the Early English Text Society.
- Mr. Matthew Inglett Fortescue Brickdale*, a conveyancer of the Court of Chancery and a former member of the Institute, whose son is now the Registrar of the Office of Land Registry.

- Mr. Harrison Dalton*, formerly a member of the Institute.
- Mr. Francis Housman*, author of "Precedents in Conveyancing," 1861, afterwards Recorder of Rangoon.
- Mr. George Long*, a son of the late Professor Long, and Secretary to Lord Chelmsford when Chancellor.
- Mr. George John Shaw Lefevre*, now Lord Eversley.
- Mr. John Savill Vaizey*, author of a treatise on the Law of Settlements of Property; a member of the Institute.
- Mr. William Wickham*, sometime M.P. for the Petersfield Division of Hants; editor of the "Correspondence of the Right Hon. William Wickham."

Mr. Ker was interested in most things which occupy human life. Elected in 1819 a member of the Royal Society, he left it in 1831 or 1832 in consequence of the choice as President of the Duke of Sussex rather than Sir John Herschel (23). He was a member of the Committee of the Society for the Diffusion of Useful Knowledge, and Charles Knight (24) said he was the most fertile in projects of any member; he contributed to its publications *Lives of Wren and Michael Angelo* (25). In 1845 he was Chairman of the Government Schools of Design, which had been founded in 1837 under the auspices of Mr. Poulett-Thomson (afterwards Lord Sydenham) in 1837 (26). The subject was one of which he spoke much in his later life, and after law he was probably more interested in art generally than in anything else. He was to some extent an artist himself, having contributed woodcuts to the *Penny Magazine*, furnished drawings from which illustrations of an

edition of White's "Selborne" were engraved (27), and published or issued some etchings (28). He reviewed Ruskin in the *Edinburgh Review* (28); was an original member of the Arundel Society, and Sir Charles and Lady Eastlake were among his most highly valued friends. Two pictures by Sir Charles hung in his dining-room—one being a fancy portrait of Mrs. Ker. After her husband's death, Mrs. Ker put them into the custody of Lady Eastlake for her life, and directed them to be, after her death, sent to the National Gallery. Gardening was another of Mr. Ker's amusements; he was one of the earliest growers of orchids in this country, and he wrote a series of articles in the *Gardener's Chronicle* under the name of Dodman. A range of hills in the district of Nares in Queensland, Australia, bears the name of Bellenden Ker (29).

About the year 1824 (31) Mr. Ker married Elizabeth, a daughter of Mr. Edward Clarke, a solicitor in London, who resided at Waltham Cross, Cheshunt, Hertfordshire. Mr. and Mrs. Ker at first lived in South Bank, Regent's Park, and afterwards at Cheshunt, in a small house built by Mr. Ker and called, after the fashion of its structure, the Swiss Cottage. Mr. Ker was a justice of the peace for Hertfordshire.

After his retirement from practice in 1860 he spent the rest of his life at Villa Albert, Cannes, broken only by yearly summer visits to Switzerland. He died November 2nd, 1871. Mrs. Ker survived

him, and also died at Cannes April 20th, 1895, at the age of ninety-two.

A portrait of Mr. Ker by Dobson is now in the possession of Mrs. Ker's nephew, Mr. Fortescue Brickdale, and the writer has a miniature portrait of him as a young man in a fancy dress painted by Harlow. There is also a print of him which was published in the *Atlantic Monthly Magazine*.

[*Authorities*: (1) Mr. J. W. Smith, Andover Letters, October 5th and 14th, 1900; (2) Printed Cases for Appeals for H.L. in Lincoln's Inn Library, vol. v. p. 475; (3) 1812, G. E. C.'s Complete Peerage; (4) 2 Dow's Reports, 149; (5) "Dictionary of National Biography," *sub nom.* J. B. Ker; (6) *Cornhill Magazine*, July, 1901, p. 100; (7) Lincoln's Inn Admissions Register; (8) Law Lists, 1811, 1812; (9) "Life of Rev. John Blackwell" (Rhuthyn, 1851), pp. 41, 48, 49; (9a) 34 Hans. Parliamentary Debates, pp. 634, 1230; (10) Mr. J. M. Ludlow's Letters, January and February, 1896; (11) "Reform of the Law of Real Property," by H. B. Ker, 1853, p. 93, pp. 48-52; (12) 1st and 2nd Reports Real Property Law Commission, App. 294 and 279 respectively; (13) *Annual Register*, 1832, p. 17; House of Common Papers, 1835, vol. xxxv.; 2 & 3 Wm. IV. c. 65; (14) "Some Eighteenth-Century Men of Letters" (London, Murray, 1902), vol. i. p. 9; (15) 21 *Law Review*, 353; (16) "Literature of Political Economy," by J. R. McCulloch (Longmans, 1845), p. 130; (16a) Pamphlets in Lincoln's Inn Library, C.P.C., 1022; (17) Sir F. Pollock's "Digest of the Law of Partnership," 5th ed. pp. v, vi; (17a) Sessional Papers, House of Lords, 1847-8, vol. xli. p. 2; (18) Sir Fitzjames Stephen's "History of the Criminal Law of England," 1883, vol. ii. pp. 217, 218; (19) Criminal

Law Consolidation and Amendment Acts, 24 & 25 Vict., by C. S. Greaves, 1861 ; (19a) "Concise Precedents in Conveyancing," by Charles Davidson, 2nd ed. (1852), p. 10; (20) Report of Commission in Lincoln's Inn Library; 6 *Law Review*, 163, 11 Jur. part 2, pp. 38, 70; (21) "Legislative Methods and Forms," by Sir C. Ilbert, 1901, pp. 58-66, 84 ; (22) 1st Report of Real Property Law Commission, App. fol. 190, p. 519 ; (23) Mr. Rix's Reply to compiler, March 12th, 1891 ; (24) "Passages of a Working Life," vol. ii. pp. 120, 121 ; (25) 3 "Lowndes' Manual," 2nd ed. 1267 ; (26) "Autobiographical Notes," by W. B. Scott (1892), vol. i. p. 178 ; "Dictionary of National Biography," *sub nom.* Poulett-Thomson; (27) "Natural History of Selborne" (published by Longmans and others in 1833); Memorandum by Mr. Wickham in his copy, and Mrs. Ker's letter; (28) Dr. F. J. Furnivall's Letter, August 9th, 1896 ; (29) Miss Marianne North's "Recollections," vol. ii. p. 107 ; (30) *Rex v. Archbishop of York* (1795), 6 Term Reports, 493 ; *Attorney-General v. Griffith* (1807), 13 Ves. 580 ; (31) Notes by the late Mr. Brickdale to the compiler ; (32) 4 Halkett and Laing's Dictionary of Anonymous Authors, col., 2753.]

No. 68.

JACOB WALEY.

Elected 1861 ; died 1873.

MR. WALEY, the eldest son of Mr. Solomon Jacob Waley, of Devonshire Place, Middlesex, was born at South Street, in the City of London, on March 17th, 1818. He was educated privately and at the London University. In 1839, the first year in which degrees were granted by the University of London, Mr. Waley graduated there as B.A., obtaining a University Scholarship in Mathematics and the first place in Classical Honours. Proceeding M.A. in 1840, in the mathematical branch he gained the Gold Medal. He was articled to Mr. Price, a member of a firm of solicitors ; but after a year's service, and on the urgent advice of Mr. Price, he abandoned his articles in order to prepare for a call to the Bar. His period of articled clerkship seems to have passed nearly, if not quite, two years before he took his first degree, for on November 3rd, 1837, he was entered as a student at Lincoln's Inn, where five years later, November 21st, 1842, he was called to the Bar. The late Lord Justice Sir John Rolt, who had not been called to the Bar till the year in which Mr. Waley entered Lincoln's Inn, was

during the latter's student days a stuff-gownsmen, and of him Mr. Waley became a pupil and remained a life-long friend. He also read with Mr. Duval (above, No. 31), and became known as a conveyancer through his work for Mr. Christie (above, No. 28), to whom he was introduced by Mr. Justice Hargrave of the Irish Bench, when that learned Judge left the English Bar.

It was as an associate with Mr. Charles Davidson (above, No. 55) in the production of more than one edition of every one of the five volumes of the great work known as "Davidson's Precedents and Forms in Conveyancing" that Mr. Waley became widely known at the Bar. His name first appeared in 1857 on the title-page of the second edition of the second volume. Only the names of Mr. Davidson himself and his first pupil, the late Mr. T. C. Wright, at his death the senior member of the Institute, were on the title-page of the second edition of the first volume published in 1855. On the title-page of every other volume which was afterwards published in Mr. Waley's life-time, including the third edition of the first volume, his name appeared. The treatise on Settlements, which occupied the whole of the first part—itsself a bulky octavo book—of volume three, has been universally known, and as universally admired and trusted, as the work of Mr. Waley. The present compiler recollects hearing from Mr. Key—then a member of the Institute and a former pupil, friend, and coadjutor

of Mr. Waley in that and other volumes—that Mr. Waley regarded that treatise as his life's work.

It has been said that Mr. Waley began practice "without connection"; he, however, obtained a large practice in conveyancing, acquiring, after Mr. Ker (above, No. 67) had retired in 1860, the business to which the latter had succeeded when Mr. Basevi (above, No. 35) ceased to practise—business which after Mr. Waley's death, either at once or after an interval, passed to his already named former pupil, Mr. Key. For many years before his death he had given up Court practice, appearing only rarely in real property cases. On those occasions his argument usually elicited a compliment from the Judge. He took an important part in the great case of *Allgood v. Blake*, which was also the field of one of Sir Charles Hall's great triumphs (below, No. 80).

In 1870 Lord Hatherley appointed Mr. Waley to be a Conveyancing Counsel of the Court of Chancery, and he was appointed a member of the Land Transfer Commission by Lord Cairns.

Among Mr. Waley's pupils may be named :

Mr. Douglas Freshfield.

Mr. Walter Renshaw, K.C.

Mr. E. Levett, K.C.

Mr. Maidlow.

Mr. Yardley.

The late Mr. Thomas Key, a Conveyancing Counsel of the Court, and a member of the Institute.

Mr. Thomas Carson, K.C., Editor of "Shelford's Real Property Statutes."

Sir Nathaniel Nathan, formerly a puisne Judge in Trinidad.

For many years Mr. Waley was Professor of Political Economy at University College, London, receiving on his retirement the title of Emeritus Professor. He was also examiner in the same subject for the University of London, and was for some years Honorary Secretary of the Political Economy Club.

In conjunction with Mr. L. L. Cohen he devised the scheme under which the London Jewish Synagogues were united in one corporate body.

Obituary memoirs which appeared after Mr. Waley's death call attention to his singular modesty, his conscientiousness, and his charity in the widest sense.

In 1843 Mr. Waley married Matilda Salomons, niece of the late Sir David Salomons, baronet, and of the late Sir Moses Montefiore, baronet, by whom he had several children. One of them was the late Mr. Arthur Joseph Waley, who was, and another, Mr. John Felix Waley, who is, a member of the Chancery Bar.

Mr. Waley occupied chambers at 69, Chancery Lane, 5, Stone Buildings, and 8, Old Buildings, successively; his private residence was No. 20, Wimpole Street, where he died on June 19th, 1873.

[*Authorities*: Lincoln's Inn Printed Admissions Register; Institute First Minute Book; Law List, 1842; Foster's "Men at the Bar," *sub nom.* A. J. Waley; *Solicitor's Journal*, June 21st, 1873, p. 654; *Law Times*, July 12th, 1873, p. 209; *Times* newspaper, June 21st, 1873; Information given by Mr. John Felix Waley.]

No. 69.

EDWARD PENROSE HATHAWAY

Elected 1861; retired 1864.

MR. HATHAWAY (born December 16th, 1818) was the fourth son of William Silas Hathaway, who had collected and edited the speeches of the younger Pitt (4 vols. 8vo, 1806; 3 vols. 8vo, 1817). He was educated at Sherborne School under the Rev. Dr. Lyon, where he had among his schoolfellows another future member of The Institute, Henry Robert Vaughan Johnson (below, No. 83), whom he afterwards, and it is believed for the first time, met at the house of the present writer in 1893 or 1894. At Sherborne Mr. Hathaway obtained a Bridgman Exhibition at Queen's College, Oxford, where he matriculated in February, 1836, and graduated B.A. in November, 1839. Hindered by weak health from going out in the Honours School, the examiners conferred on him the distinction of an Hon. 4th Class.

On November 10th, 1842, Mr. Hathaway became a student of Lincoln's Inn, and was there called to the Bar on January 29th, 1846. He studied law first in the chambers of Mr. W. A. Hopper, a then young conveyancer of Lincoln's Inn who had been

called in 1837, and whose name does not appear in the Law Lists after 1845. Mr. Hathaway was afterwards a pupil of Mr. John Measure (above, No. 40). He practised as a conveyancer at 5, Old Square, Lincoln's Inn; was the draftsman of the Thames Embankment, King's College Hospital, and Consumption Hospital Bills. The late Mr. John Fish Pownall, lately a member of the Institute, thought Mr. Hathaway had drawn the Deed of Settlement or Charter of Christchurch in New Zealand; but Mr. Hathaway himself, though he stated in writing his having drawn the above-mentioned Bills, did not mention his drawing the Charter.

Among his pupils were :

The Hon. William Brodrick, afterwards the 8th Viscount Midleton, and
Richard Elwyn, who afterwards took Holy Orders and became Master of the Charterhouse and an Honorary Canon of Canterbury.

In November, 1864, Mr. Hathaway retired from the Institute and from the Bar, and at Christmas of the same year was ordained deacon by Dr. Tait, then Bishop of London. His title to Orders was obtained as curate to Dr. Thorold, then Rector of St. Giles's, and afterwards Bishop of Rochester and Winchester successively. In a magazine article of November, 1897, Mr. Hathaway's particular function during his curacy was described as being that of a missionary in the Seven Dials district. He was ordained priest in 1866, and was Rector of St. Ebbe's,

Oxford, from 1868 to 1873. After a long interval of ill health he became in 1882 Vicar of St. Andrew-the-Less, Clifton, Bristol, and in 1885 was appointed Rector of Holbrook in Suffolk. In 1892 he resigned that living and went to reside at The Hollies, Broxbourne, Herts, whence in 1894 he moved to 16, Calverley Park, Tunbridge Wells.

Mr. Hathaway was a member of at least one body of trustees of livings, and after his retirement from his last parochial charge he took great interest in the questions from time to time mooted concerning Church patronage. In 1894 he published a pamphlet on that subject, entitled "The Church Patronage Bill, 1894" (London: Elliot Stock).

Mr. Hathaway was twice married. First, on September 4th, 1849, to Catharine Louisa, eldest daughter of the late Rev. Edmund D. Legh, Incumbent of St. Botolph, Aldersgate, London, and granddaughter of the late Right Hon. Christopher Robinson.

Mr. Hathaway's death, which occurred in May, 1897, was the result of an accident, caused by the hangings of his bed catching fire while he was reading or after he had fallen asleep. Mrs. Hathaway survived him.

[*Authorities*: A Memorandum and Letters written by Mr. Hathaway to the compiler; Law Lists; Allibone's "Dictionary of British and American Authors"; Lincoln's Inn Admissions Register; Letter of Mr. Samuel Turner, November 11th, 1864.]

The above printed Memoirs are arranged in the order of the dates of the elections of the subjects of them. At the request of some members of the Institute the compiler has added, out of their proper order, the following lives of the two members who became Vice-Chancellors.

No. 77.

THE RIGHT HON. SIR RICHARD MALINS.

Elected 1864; Honorary Member 1867; died 1882.

SIR RICHARD MALINS, born at Evesham, March 9th, 1804, was the third son of Mr. William Malins, then of Ailston, Warwickshire, and Mary his wife, the eldest daughter of Mr. Thomas Hunter, of Pershore in Worcestershire. Mr. William Malins, in the record of his son's admission in 1842 to membership of Lincoln's Inn, is described as of Newington Place, Surrey, Esquire (1).* Miss Cary Malins, however, thinks that the Mr. William Malins referred to in this record was the elder brother of Sir Richard Malins. The future Vice-Chancellor had been educated at a private school and Gonville and Caius College, Cambridge, at which University he graduated with mathematical honours in 1827. In the same Tripos with him were Professor De Morgan, Baron Cleasby, and Professor B. H. Kennedy. Thackeray was one of his Cambridge contemporaries.

In 1825 Mr. Malins entered as a student the Honourable Society of the Inner Temple, and was

* The numbers in this Memoir correspond with others in the authorities at the end of it.

there called to the Bar on May 14th, 1830 (2); but he migrated to and was admitted *ad eundem* at Lincoln's Inn, April 19th, 1842. He was a pupil of Mr. George Harrison (above, No. 7). He practised as an equity draftsman and conveyancer in Fig Tree Court, Temple, and at No. 5, New Square (1), and No. 9, Old Square (3), in Lincoln's Inn successively. His business for some years was principally that of conveyancing; his chambers became full of pupils, and he was taken into Court occasionally as a specialist in questions relating to real property law and the interpretation of wills. The case of *Festing v. Allen* (A.D. 1842 4; 5 Hare 573; 12 Mee. & Wels. 279) was a case of the former kind, and became a leading one in the law of contingent remainders. Mr. Malins argued it at great length with much learning and with a confidence in his own view of the law which he appears to have retained after the Court of Exchequer had rejected it. The judgment of that Court, which comprised Lord Abinger, C.B., and Barons Parke (afterwards Lord Wensleydale), Gurney, and Rolfe, was delivered by the last-named Judge, afterwards Lord Cranworth and Lord Chancellor. In 1876 Sir William James, L.J., when delivering the judgment of the Court of Appeal and affirming that of Jessel, M.R., in *Cunliffe v. Brancker* (3 Ch. D. 393), said: "*Festing v. Allen* has been, from the time it was pronounced, regarded as one of the leading authorities in real property law" (*ibid.* 410).

A few days earlier Sir Richard Malins, as Vice-Chancellor, had expressed his continued disapproval of *Festing v. Allen* (3 Ch. D. 713), and four years later he still disapproved it in principle, though he then acknowledged its obligation on him as an authority (15 Ch. D. 64).

Among Mr. Malins's pupils was Hugh McCalmont Cairns, afterwards Lord Chancellor and Earl Cairns. It is said that the future Chancellor originally intended to confine his work to conveyancing (5), and after his call in 1844, and during part if not the whole of the five subsequent years in which his old tutor continued to wear a stuff gown, Mr. Cairns assisted Mr. Malins in the conduct of his business. After Mr. (then Sir Hugh) Cairns had been appointed a Lord Justice of Appeal in Chancery, Mr. Malins, then a Queen's Counsel, argued cases before his former pupil until the sometime tutor was himself raised to the Bench as Vice-Chancellor. That event occurred in 1867, a short time before Lord Cairns received the Great Seal. Miss Cary Malins writes that the late Sir James Vaughan, Police Magistrate at Bow Street, was a pupil of the Vice-Chancellor.

In Hilary Term, 1849, Mr. Malins was appointed a Queen's Counsel (3), and in 1850 he was elected a Bencher of Lincoln's Inn, of which Honourable Society he became Treasurer in 1871 (5a). Having, besides his learning and faculty of recollection, a persuasive and forcible address, he grew in favour as an advocate and became a rival of Sir James

(then Mr.) Bacon, who, like himself, was to become a Vice-Chancellor. The two were for a long time the leaders in the Court presided over by Sir James Parker and Sir John Stuart successively.

In 1852 Mr. Malins was elected Member of Parliament for the borough of Wallingford and he held the seat until the dissolution in 1865. At the subsequent general election he was defeated by Sir C. W. Dilke, and a few months later, as has been already stated, he was raised to the Bench. He was a member of the Conservative party ; avowed himself a protectionist ; was a frequent speaker (6) ; and sturdily opposed the passing of the Divorce Act, 1857 (4).

He was sensible, however, of defects in the departments of the law with which his practice made him familiar, and he carried through the House of Commons two Bills which were passed into Acts. They have been of great service in conveyancing practice and are known by his name. One is the Infants' Marriage Settlements Act, 1855, and the other the Married Women's Reversionary Property Act, 1857.

In January, 1864, the question whether men practising both at the Equity Bar and as conveyancers should or should not be admissible to The Institute was considered by its members. The Minute Book does not record the carriage of any resolution ; but, under the date July 12th, 1864, it shows the election of Messrs. Richard Malins, Q.C., John Shapter, Q.C., Charles Chapman Barber, and Charles

Hall. On February 13th, 1867, after Sir Richard Malins had been raised to the Bench, a meeting of The Institute was specially held in his honour at the Albion Tavern in Aldersgate Street, and thirty-three members came to meet the new judge. In May of the same year he was made an Honorary Member (8), and frequently afterwards he attended the dinners of the Club.

Sir Richard Malins's appointment (December 1st, 1866) to the office of Vice-Chancellor was made upon the recommendation of Lord Chelmsford, then the Lord High Chancellor, and in immediate succession to Sir Richard Torin Kindersley. He was soon afterwards knighted and held his office for rather more than fourteen years. He resigned it about nine months before his death.

The *Times* newspaper, in an obituary notice of the Vice-Chancellor, wrote, among other things: "Vice-Chancellor Malins loomed large in the public eye for many years. . . . Being a great master in the art of marshalling facts, having a hearty horror of all that was mean and underhand, combining with warm sympathies a ready flow of expressive language, he was listened to and read with greater attention than was given to judges possessed of less popular or more useful faculties. An amiable and vigorous human nature struggled in him against the shackles of the law, and he erred not so much from defect of learning as from excess of feeling. . . . His feelings coloured his view of the law, and he

legislated for each case as it arose, instead of following established rules. He had other faults as a judge, betraying undue loquacity, and interrupting argument with irrelevant discourse" (9). In the words of another writer, however, except when one of the periodical storms disturbed his Court—and these storms, it is believed, were not of his own raising—he was urbane and courteous in a high degree (11). But to revert to the words of the *Times*: "His decisions were not spoken of with unqualified respect. . . . For genuinely contentious business his was one of the worst tribunals. His decisions in such matters were frequently reversed on appeal." Occasionally they were restored by the House of Lords, but "reversals were so common that his decisions were seldom regarded as conclusive" (9). The *Times* also said: "He was often admirable in administrative business. In chambers no Judge was so easily approached, or would so boldly mould his orders to suit the practical exigencies of business. He arranged with great care the interests of his Wards in Chancery, assuming the tone and functions of a paterfamilias rather than that of a judge. In chambers too the *bonhomie* of his manner, which made him personally popular with all members of the profession, shone to advantage, and he would not spare himself. He would dispose in Vacation of matters usually reserved for the full term; directing, for example, money to be paid out of court in the summer in order to avoid

the loss to the parties involved in the more usual course of postponing the payment till November. On one occasion he came up to London in mid-vacation for the purpose of hearing a cause concerning the *Dynevor, Dyffryn and Neath Abbey United Coal Company, Limited*," which needed prompt decision (9). It seems likely that the order he is said to have so made is that affirmed by the Court of Appeal (11 Ch. D. 605).

He became a judge when the Courts were occupied by liquidations following the Overend and Gurney failure on Black Monday in 1866. Inquiries into the fraud or honesty of prospectuses and the conduct of promoters followed. Such cases again frequently occurred after the fall in prices which succeeded their great inflation in 1873, and Sir Richard Malins "spoke many hard words of promoters" and compelled "them to disgorge some of their gains. He even proceeded against them penally by imprisonment when they neglected to make full disclosures, which the Chancery Division—still a court of conscience—demands" (9). His innate amiability, however, exacted respect, and a man whom he had committed for contempt doffed his hat to the Vice-Chancellor when passing him at Homburg. It fell to his lot to decide on the ownership of some tropical islands with which Baron Erlanger had had dealings, and he was credited, half in earnest, with having by his decision concerning the Tunis railways brought about the Tunisian War (9).

Another important case that he had to decide was that of *Hayman v. The Rugby School Trustees* (1874), (Law Rep. 18 Eq. 28).

The accuracy of the contrast drawn in the *Times* memoir of Sir Richard Malins between his judicial faculties and those of others which were "less popular if more useful" may be doubted. The expression suggests a fault in Sir Richard which it is not likely that the writer of it intended to impute. Neither as a judge nor as a man was Sir Richard Malins supposed to have gained or sought popularity, in its sense of widely spread approbation, by ostentatiously showing sympathy with thoughts and feelings at the moment prevalent in common opinion. Again, though his judgments may not have been so useful as those of many other judges in adding new propositions to the great edifice of English case-made law, his great knowledge of large departments of the law, his zealous industry, his keen appreciation of the needs, rights, and duties of the persons whom his decrees and orders would affect, as well as his urbanity—to all which faculties and qualities the *Times* writer bears eloquent testimony—must have been very "useful" to the suitors in his Court. Moreover, if his feelings warped his perception or recollection of "established rules," his decisions under those influences must have often satisfied the moral justice of the particular cases, and their operation in that respect, together with his indignation at wrongdoing, was probably very "useful" in quench-

ing lay prejudice against legal rules and winning popular reverence for law by exhibiting his own consciousness of the fundamental morality which positive law is designed to make as effective as it can.

In 1831, not long after his call to the Bar, Mr. Malins married Susannah, the elder daughter of the Rev. Arthur Farwell, Rector of St. Martin's in Cornwall, who was a cousin of the present Lord Justice Sir George Farwell's father. Their union lasted for fifty years, Lady Malins dying while on a visit to her brother-in-law, Mr. James Dickinson, Q.C., at the end of the year 1881, and Sir Richard surviving her for about a fortnight.

The Vice-Chancellor had been lamed by a fall from his horse in 1879 and had suffered from paralysis early in 1881 (4). In March of that year he had resigned the Vice-Chancellorship and was thereupon made a member of Her late Majesty's Privy Council (4). He died at his house in Lowndes Square, January 15th, 1882, leaving no child, but having adopted a niece, Miss Cary Malins, who has contributed some materials for this memoir.

[*Authorities*: (1) Lincoln's Inn Admission Register; (2) Whishaw's "Synopsis"; (3) Law Lists, 1848, 1849, 1856, 1866; (4) "Dictionary of National Biography" *sub nom.* Richard Malins by J. A. Hamilton; (5) 17 *Law Journal* newspaper p. 36; (5a) 4 Lincoln's Inn Black Books, p. 437; (6) Sir William Fraser's "D'Israeli and his Day," p. 113; (7) 26 *Solicitor's Journal*

pp. 175, 185; (8) First Minute Book of the Institute; Mr. M. G. Davidson's letter, October 9th, 1901; (9) *Times* newspaper, January 17th, 1882, p. 4; (10) *Annual Register*, 1882, p. 111; (11) 72 *Law Times* newspaper, pp. 199, 204; (12) Letters from Miss Cary Malins, 1907.]

No. 80.

SIR CHARLES HALL, V.C.

Elected 1864; Hon. Member 1874.

SIR CHARLES HALL, the fourth son of Mr. John Hall, a Manchester merchant who had been impoverished by the failure of a bank, was born at George Street, Manchester, April 14th, 1814. He received a private education, and was for some time in the office of Mr. William Casson, a solicitor in Manchester, but in 1835 he entered as a student the Middle Temple (4).* There he was called to the Bar November 23rd, 1838, was elected a Bencher January 15th, 1872, and appointed Reader in 1878. On October 24th, 1839, he had been admitted a member of Lincoln's Inn.

In 1837 Mr. Hall married a lady who was a daughter of Mr. Francis Duval of Exeter, and a niece of Mr. Lewis Duval (above, No. 31), and by her he had issue. Of his sons, the late Right Hon. Sir Charles Hall, K.C.M.G., Q.C., M.P., sometime Recorder of the City of London, was one, and one of his daughters was the first wife of the late

* The numbers in this Memoir correspond with others in the authorities at the end of it.

Mr. Henry Casson, who became a member of the Institute (below, No. 97) and was a son of Mr. William Casson, in whose office Mr. Hall had been.

Mr. Hall was a pupil successively of Mr. W. Taprell, the special pleader (4) with whom he read for an unusually long period, of Mr. James Russell, equity draftsman, and later Q.C., and of Mr. Duval (above, No. 31), for whom after his pupillage he worked during several years—probably during the remaining six years of Mr. Duval's life. At the end of the first year he is said to have been his chief's principal assistant and to have worked so hard that while helping Mr. Duval his fourth—"an exceptionally small proportion"—of the fees for the drafts he drew amounted to £700 a year. He had occupied chambers in the Temple, but during this period took rooms at No. 4, Stone Buildings, Lincoln's Inn, which he long retained, and he took with him a boy clerk who remained to be head clerk, judge's clerk, and secretary.

Upon Mr. Duval's death in 1844 Mr. Hall succeeded to much of his business, and in 1853 he was called upon to prompt, before the House of Lords, Sir Richard Bethell and Sir Fitzroy Kelly as their junior in the Bridgewater Case, *Egerton v. Brownlow* (1853, 4 H.L.C. 1). In favour of the doctrine put forward at Mr. Hall's suggestion, the House overruled the decision of Lord Cranworth when Vice-Chancellor. At the time of the hearing of the appeal Lord Cranworth was Lord

Chancellor and adhered to his original opinion. The doctrine put forward by Mr. Hall was quite new, and has been generally regarded as unsound. It is said that Lord Lyndhurst, towards the close of his life, offered to Lord Wensleydale and others a choice from his library, by way of remembrance; and that Lord Wensleydale begged for the book in which his lordship found the law laid down by him in the Bridgewater Case. In the later case of *Allgood v. Blake* (1872, 1873, L.R. 7 Ex. 339, 8 Ex. 160) he argued alone and successfully his client's cause. Of his address in the Court of Exchequer the Lord Chief Baron Kelly said it was the most perfect argument he had ever listened to (4).

Among Sir Charles Hall's pupils were :

Mr. Serjeant Simon.

Mr. Jacob Waley.

The Right Hon. Sir Edward Fry, formerly a Lord Justice of the Court of Appeal.

The late Lord Ludlow, formerly a Lord Justice of the Court of Appeal.

Mr. Dart in 1847 for half a year.

Sir William H. Melville, late Solicitor to the Treasury.

The Right Hon. Sir Ford North, formerly a Justice of the High Court.

The Right Hon. Sir Robert Romer, formerly a Lord Justice of the Court of Appeal.

Mr. Christopher William Richmond, who became a judge in New Zealand. "The greatest of its lawyers and one of the greatest of its public men" (a): the *Times*, August 8th, 1895, p. 10.

Mr. Casson, a Conveyancer of the Court and a former member of the Institute.

Mr. Justice Joyce.

Sir Howard W. Elphinstone, Bart., a Conveyancing

Counsel of the High Court, a former Secretary and now Hon. Member of the Institute; principal editor of several recent editions of Key and Elphinstone's Precedents, and of other legal works.

Mr. T. Tindal Methold.

Mr. J. Dunning.

Mr. Edward A. Hadley.

His Honour Judge Yate Lee.

Mr. Henry Blunt Howard, now a member of The Institute.

The *Times* in an obituary memoir of Sir Charles Hall wrote that "he was the most learned of living men in the law of real property. He was by no means a person of one idea, incapable of dealing with other questions. His sound sense and scientific legal training eminently qualified him to grapple with all problems which require the continued application of logical power to more or less complicated masses of facts. But it was as a real property lawyer that he made his reputation, one quite unique in its way. He never wore the silk gown; he had twice been offered the rank of Queen's Counsel by Lord Westbury," but declined the proposals. "His opinions on real property law and in equity generally were his speciality; it was by this work done in chambers that he was chiefly known, although he had also a considerable practice in the Court of Chancery, and was retained in the few great land cases which came on from time to time at Westminster. It was often agreed by the solicitors on both sides to submit a case for Mr. Charles Hall's

opinion, by which they consented beforehand in the interests of their clients to be bound as fully as if the matter had been argued before a Vice-Chancellor and carried to the House of Lords. He advised not as an ordinary stuff-gownsmen, but as the recognised head of the profession in his special branch. His competitors Rolt, Wickens, who was long his rival, Joshua Williams (above, No. 58), and Jacob Waley (above, No. 68) passed away and left him without a rival."

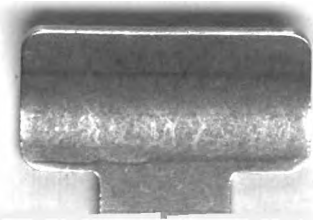
Mr. Hall settled the draft of Lord Westbury's will, but his Lordship altered it with disastrous results (4). He is also said (3), but Mr. Casson doubted the truth of the statement, to have been the draftsman of Lord Westbury's Registration of Title Act, and to have assisted Lord Selborne in the preparation of the Judicature Act of 1873. He was the draftsman of the Real Property Limitations Act, 1874, the Vendor and Purchaser Act, 1874, and the Contingent Remainders Act, 1877. He also drew for Lord Selborne a Land Transfer Bill which, owing to that Lord Chancellor's resignation, was not used.

In 1864 Lord Chancellor Westbury (3) appointed Mr. Hall to be one of the six Conveyancers of the Court, and on November 11th, 1873, on the advice of Lord Chancellor the Earl of Selborne, and in succession to Sir John Wickens, he was made a Vice-Chancellor of the High Court of Chancery, being the last person appointed to that office (2)

He resigned it in the autumn of 1882, having been disabled while walking home from his Court by a stroke of paralysis in the preceding month of June. "His health, originally most vigorous and enduring, was injured at last by his exertions in dealing at chambers with the business which he found there on rising from his Court" (4). It has been said that he often sat at chambers till past seven and sometimes later (5).

Sir Charles Hall resided at No. 8, Bayswater Hill, W., and Farnham Chase, Bucks, and died December 12th, 1883 (4).

[*Authorities*: (1) Law Lists; (2) Sir Sherston Baker's "Judges and Law Officers," 12 App. Ca. xii; (3) Memoir of Sir C. Hall in 28 *Sol. Journ.* 136; (4) *Times*, December 13th, 1883; (5) MS. red-ink notes by the late Mr. Casson in an early draft of this memoir; Information by Mr. Rowe, of the Middle Temple Treasury; Hutchinson's "Notable Middle Templars," printed for the Society, p. 108; Lincoln's Inn Admissions Register 1420—1893, A.D. 1839; Note by Mr. M. G. Davidson.]



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