

THE LATE EARL OF BIRKENHEAD.

BY THE RIGHT HONOURABLE LORD GREENWOOD, P.C., K.C.,
Treasurer of Gray's Inn.

The passing of Master Lord Birkenhead has removed from our midst one of the most outstanding personalities known to our Society during its long history of upwards of six centuries. We must, I think, go back to the spacious times of Queen Elizabeth, perhaps the most glorious of all in the annals of Gray's Inn, to find his counterpart. Throughout that dawn of Empire period, the men who surrounded the Queen as her ministers and counsellors were drawn largely from the members of our Society. To all of them, as to him, life was a great adventure. His portrait hangs in our ancient Hall appropriately with those of Bacon, Burghley, Howard of Effingham and others, which are grouped around that of Queen Elizabeth on the wall behind the High table.

I think of Master Lord Birkenhead as I saw and knew him at the time of his entry into public life, in the splendid dawn of his great career. I watched his rapid ascendancy as he became successively a brilliant orator and advocate, a distinguished lawyer and Law Officer, a great Lord Chancellor and a courageous and constructive statesman. He was a dominant, and in some spheres of life the predominant figure of his day. He was a vigorous Imperialist, and above all he was essentially an Englishman. He believed that the English race was a conquering race. With admirable courage, he differed from most Englishmen in that he always said what he thought—what others so often think, but dare not say. I heard his maiden speech in the House of Commons in 1906, and shall never forget the tall, well-groomed figure of "Mr. Frederick Edwin Smith," as the Speaker called him, hitting out with confident audacity at his political opponents on the Front Bench opposite. That single exhibition of oratorical skill and dialectics made him at once the most popular speaker in his party, and

for more than two decades following no man in public life was more sought after for the political platform.

The historian of the eventful days of the first generation of this century will place to the credit of Lord Birkenhead many individual acts of inestimable public value. They are too recent and well-known to need recapitulation in these brief notes. We at Gray's Inn revere his memory for more personal reasons. He was throughout his thirty-four years' membership of the Society, a great and inspiring figure amongst us. Next to his home, with his devoted wife and helpmate and three children, his love and affection were for Gray's Inn. From the day he first entered the Hall as a student for the Bar, till his last visit just before his final illness, our Society, with every member of it, was ever present to his heart and mind. There is not a member of this great Society who has not directly or indirectly benefited by Master Lord Birkenhead's life and efforts. His relations with our Inn were much more intimate than his association with his University, or in any other direction, beyond his home. He loved Gray's Inn with a great and inextinguishable affection, and his name and fame will live and remain with us so long as our Society lasts.

I have referred to Lord Birkenhead as an Imperialist. His influence for good Imperially was particularly observable when he sat as Lord Chancellor, and therefore as head of the Judicial Committee of the Privy Council. From all parts of the Empire advocates come to appear before this tribunal. Many of these advocates are or become leading men in the political life of their respective Dominions and Colonies and in India. Lord Birkenhead differed from many other Englishmen in public life, in that he never lost sight of the Empire as a whole, and he took infinite pains to show personal courtesies, as well as to give professional encouragement to these advocates from overseas, who appeared before the Judicial Committee during the time that he presided over it. And this is no isolated instance of the kindness and attention which Lord Birkenhead invariably displayed, especially towards those who were on the threshold

of a career at the Bar. I recall an incident that happened not very long ago, when the late Right Hon. Stephen Walsh, who was Minister for War in the first Labour Government, asked me if I thought Lord Birkenhead would be so good as to propose his son for Call to the Bar at Gray's Inn. Stephen Walsh was a Lancashire man, and a great admirer of Lord Birkenhead, and Lancashire men form a fraternal kingdom of their own. I told him that the request he was making was something that Lord Birkenhead particularly loved to do. I forthwith took Mr. Walsh and his son into the library of the House of Lords, where Lord Birkenhead was enjoying a cup of tea after a slashing attack on one of his opponents in the Upper House. I retain a vivid recollection of the exceedingly kind way in which he greeted Mr. Walsh, and encouraged his son. He spoke then as always of Gray's Inn and our profession with the greatest possible pride.

The numerous personal tributes which have appeared in the Press all extol Lord Birkenhead's confidence and courage. It was his possession of these qualities in such a marked degree which inspired his action when, as Censor at the beginning of the war in 1914, he startled England and the world by publishing the truth about the retreat from Mons. He did this deliberately, following his instinct that the English people can stand the truth, however bitter it may be, and I am sure he was right.

For two years and a half I sat with Lord Birkenhead in the last Coalition Cabinet of Mr. Lloyd George, and it was characteristic of Lord Birkenhead that his last or one of his last articles in the Press was an eulogy of his old war-time Leader. Here I saw him at his best. He was not prone to intervene on every matter, but on questions concerning the Judiciary, Imperial interests and generally the prestige of England, he took a most effective and often decisive part in the discussions. On many occasions I have seen and heard him with intellectual zest, sum up a discussion on a vital problem, and give his views with clear, confident decision that made one feel that he spoke for the real England. He believed that where once the flag of England

had been planted by the sacrifices of our soldiers and sailors, it was the first duty of a British Cabinet to keep that flag flying. He took the traditional view that it was for ministers to assume full responsibility for the policy to be pursued, and for the generals and admirals and servants of the Crown generally to carry out that policy. Lord Birkenhead was one of the Cabinet Ministers of the war period who never forgot the cruel harshness and the lessons of the war, and never failed to appreciate the sacrifices of the whole Empire in that great cause.

Lord Birkenhead was tenacious in his friendships, and in his memories of any kindness shown to him whilst he was fighting his way upwards in his amazing career, stretching from the High School at Birkenhead to the House of Lords and the Woolsack. And in his natural generosity, he never forgot that success should mellow the recollection of hard knocks which had been dealt out to him during the earlier parts of his career. He often related with zest the fact that he and the Rt. Hon. L. S. Amery were ploughed in an examination for entrance to Harrow. He had a host of friends and admirers in every walk of life, and he believed in them and trusted them as they trusted him. In this connection one incident of many stands out prominently in my memory. When Lord Birkenhead was asked to cross the Atlantic in 1916, to put the English case before the hesitating Americans, he came to Gray's Inn with his son (now Lord Birkenhead), and with many intimate expressions he asked some of his friends amongst the Benchers to promise to look after his boy, if anything happened to him during his American tour. To him the Inn was a brotherhood.

And now a final word about our great Bencher, and his love for the Society, of which he was so loyal and devoted a son. In later years I realised more than ever from his conversation, the sincere attachment he had for the Inn, which was to him then as always, and as Lord Chancellor Bacon found it, a temple of peace. It was to Gray's Inn that Master Lord Birkenhead turned to find restful retreat and repose during three decades of battle and struggle. Just before he took to his bed for the

last time, he visited the Inn with his devoted wife, and spent some time in our historic garden with Master Sir Plunket Barton, with whom he was always on terms of the greatest friendship. I well remember seeing them in the very walks that tradition has it were laid out by the great Lord Chancellor Bacon. In these same gardens there walked Francis Bacon and also Sir Walter Raleigh, just before the latter sailed on his last voyage to Virginia. Gray's Inn must never forget that Bacon was one of the statesmen whose foresight and faith helped to create the British Empire. And just across the road from Gray's Inn Gardens is the house where the Earl of Beaconsfield was born. This was the environment Lord Birkenhead loved. It was his last visit to our historic Inn.

As Treasurer, it was my solemn duty with the senior Bencher, Sir Miles Mattinson and others, to receive the body of our departed brother at the Holborn gateway to the Inn, and to escort it to our beautiful chapel, which to him had ever been the very home of his religious worship. It must be a matter for great satisfaction to every member of the Society, to know that the lying in state of Lord Birkenhead in Gray's Inn chapel commanded the respect of the whole Empire. One Dominion Prime Minister quietly left a committee of the Imperial Conference to pay his respect to one whose views of Empire were always clear and strong. It was a historic event at the end of a brilliant career. Large crowds passed through our chapel, drawn from all walks of life, to pay a last tribute of respect to a great Englishman, who made his way from the very foot of life's ladder to its topmost rung. Three days later the Masters of the Bench accompanied the remains of Master Lord Birkenhead to the Gray's Inn Road gateway, on the first stage of the last journey to his former country home at Charlton, where his ashes now lie.

Master Lord Birkenhead has passed on, and the Country, the Empire and Gray's Inn are the poorer for it. Some have lost a stalwart friend. Millions more regret and mourn his death, for his very life and speeches were in themselves an inspiration.

His was a magnificent career, and it should prove an irresistible urge to every student in the Kingdom. No man in our time has been a leader in so many spheres of activity as our departed brother. Our feeling of grief is to some extent assuaged by our justifiable pride in the contemplation and the memory of the fine fighting career of a member of Gray's Inn. He has left in the annals of our Society imperishable records of his love and affection for us, and he has secured in the pages of his country's history an enduring name.

GRAIAE GENTIS DECUS.

Bear him to us . . . to our home—
Home he adorned, and exalted
To heights it had never attained
Since Verulam faded in shadow.

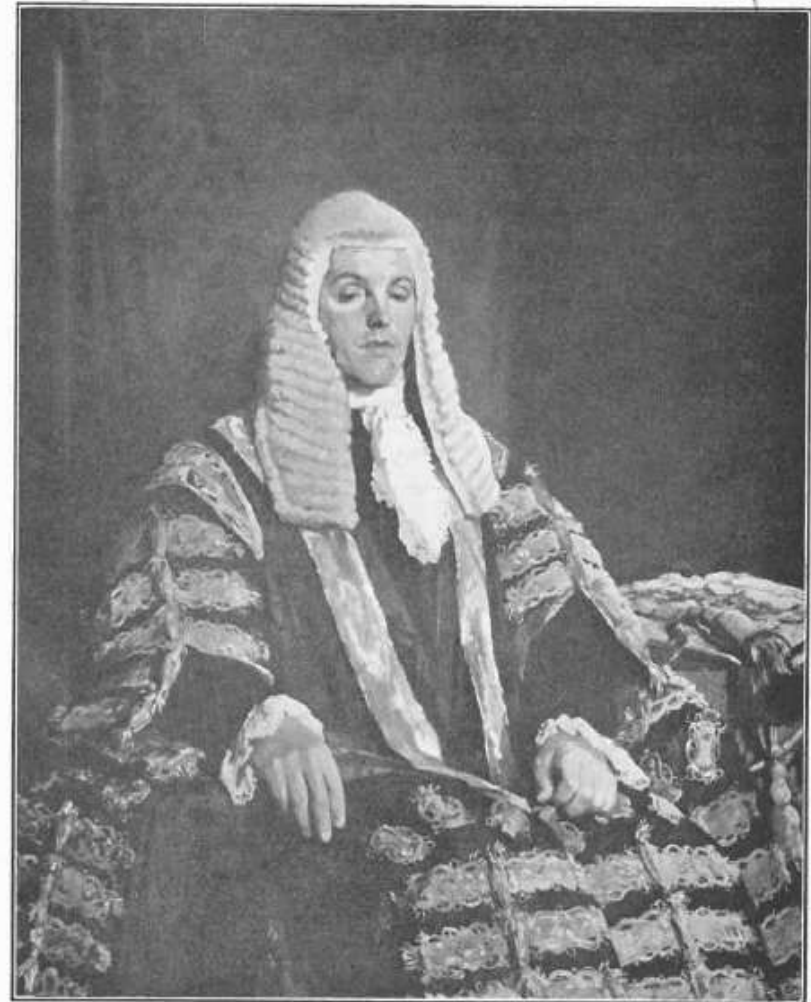
Hither he came unrenowned;
Hence went he forth to the conquest,
Armed at all points for the field,
Panoplied; wielding all weapons
Featly—no felon blow striking—
Winning his spurs in fair fight,
Winning stern foemen's affection.

Most must we mourn him, who best
Knew him, and loved him intensely.
Loved e'en his faults—he was mortal.

With brethren now leave him awhile—
Ere earth, untimely, receive him.

DARLING.

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Editor of the "Times").



The late Right Honourable the Earl of Birkenhead.

FROM THE PORTRAIT IN GRAY'S INN HALL,

Painted by Mr. Glyn Philpot, R.A.