

ADMIRALTY BAR DINNER - 19TH MARCH 1969

Sir Gordon Willmer, after thanking Peter Bucknill for proposing his health, proceeded more or less as follows:

I do not propose to make a formal speech, but rather to give you my reminiscences of the Admiralty Court in the dim, distant past. By that I do not mean the early history of the court in the Middle Ages - I am not quite so old as that - but the picture of the court in the nineteen-twenties when I first came to the Bar. I thus find myself cast for the role of "Laudator temporis acti", which is no doubt all Greek to some of you. As a matter of fact it is Latin.

I started my connection with the law in the office of that great and good firm, William A. Crump & Son, where I went as a pupil in January, 1923. At that time the firm was dominated by an old man called Clifton, whose advice was very much sought after and who was a tremendous force in the City of London. The day after my arrival I was dispatched all alone to the Commercial Court, ostensibly to instruct, but in reality just to sit in front of, counsel for the plaintiffs in a Marine Insurance case. It is interesting to observe that the counsel whom I was "instructing" was none other than Mr MacKinnon, K.C., as he then was. Counsel on the other side were Mr R.A. Wright, K.C. and Mr S.L. Porter, as they then respectively were. I was thus very early in my career introduced to some of the great ones in the law.

My next adventure was when I was sent to serve a writ, which was thought to be good instruction for me. I think the writ was issued on behalf of the King of the Hellenes, and it had to be served on what was then Stokes & Stokes, which later become Bentleys, Stokes & Lowless. I duly served the writ on old Mr Williams, the father of Dick Williams, who will be well known to most of you. Mr Williams was a very formidable old man, who was stone deaf and used a large ear trumpet to listen to what I had to say.

This was the era of the "scuttling" cases, which at that time were almost two a penny. Crumps used to act for the underwriters in a number of these cases, and I came in for several of them. It was also the time of what I have always thought was the greatest Court of Appeal

that there has ever been, namely Bankes, Scrutton and Atkin, L.JJ. They habitually sat as Appeal Court II, and as such dealt with most of the scuttling cases, most of which almost axiomatically went to appeal. Most of the ships concerned had been insured on time policies before the slump at enormously high values, as much as a quarter of a million pounds in some cases; but by the end of the year their value had dropped to about £10,000 to £20,000. There was thus no little temptation to get rid of the ship before the policy expired.

In due course, at the beginning of 1924, I became a pupil of George Langton, afterwards Langton J., who had a very large junior practice in the P.D. & A. Division and in the Commercial Court. The P.D. & A. Division at that time consisted of two judges, the President, Sir Henry Duke (afterwards Lord Merrivale), and Hill J. There was a considerable volume of work in the Admiralty Court, with one court sitting most days, and sometimes two. There were two Admiralty Registrars - or rather a Registrar and an Assistant Registrar - Roscoe and Stokes respectively. Both of them were about 80 or more; Roscoe was more or less blind, and Stokes was nearly stone deaf. Roscoe dealt with most of the References (of which there were a good many): Stokes heard the Summons and dealt with the taxation of costs. Roscoe was about the most difficult tribunal to address that I have ever encountered. As soon as one started to address him he would hold one of the papers close in front of his face, and would keep it there most of the time, so that it was almost impossible to tell what sort of impact one was making on his mind. I shrewdly suspect that in most cases he had already made up his mind what he was going to do, so that it did not matter very much what one said.

The chambers which I joined were at 3, Temple Gardens, and the head of chambers was Dan Stephens, K.C. George Langton, whose pupil I was, earned the nickname of "The Ocean Swell" in consequence of an amusing incident in the Court of Appeal. There was a case called The Young Sid (it is a reported case), which was all about costs in the County Court. There had been a relatively trivial collision between two trawlers, both of whom were found to blame. Scrutton, L.J. started his judgment as follows:- "This appeal arises out of a collision between the "Young Sid", represented by Mr Dunlop, and the "Ocean Swell", appropriately represented, if I may say so, by Mr George Langton." The thought has crossed my mind to-day, having regard to what has been happening in the Court of Appeal, that young Willmer

may become known hereafter as "The World Beauty".

In my early days the two senior leaders in practice in Admiralty were Butler Aspinall and Fred Laing. Both of them were near, if not over 80. Butler Aspinall had already given up appearing in the court of first instance, and Fred Laing rarely did so. Both of them were reserving their energies mostly for the Court of Appeal and for arbitrations. I believe I am right in saying that Butler Aspinall was the first Appeal Arbitrator under Lloyd's Form when the right of appeal was first introduced.

So far as the leading work in the Admiralty Court itself was concerned, this was mostly in the hands of Alex Bateson and Dan Stephens. Both, though not actually seamen themselves, had all the appearance and manner of bluff old salts. Bateson was a most formidable advocate, and a very skilful cross-examiner - especially when there was reason to think that the other ship's log might have been altered. Stephens was also a formidable advocate in his way, given a case that was up his street. But every case had to be treated as a question of fact - he did not hold with any argument on the law if this could be avoided. On one occasion he was appearing in a damage to cargo case, which turned on the construction of an obscure clause in the bill of lading. Some practitioner from the Commercial Court was briefed on the other side, and as usual in such cases a great array of books was assembled. It is said that when Dan Stephens rose to address the court his opening gambit was "Cannot we get rid of all these books?" Dan was at his best in the typical Thames collision case, especially if some small, scruffy collier or a Thames barge was involved. He frequently expressed the view that practically every collision case is caused by bad look-out - and perhaps he was not very far wrong.

Two other leaders practising in the Admiralty Court were Dunlop and Raeburn. They were both much younger men, and of a very different type. Both were Scots who learned their law at Glasgow University; and both were in fact very good lawyers, who did a good deal of work in the Commercial Court as well as in the Admiralty Court.

In my own chambers there were several remarkable characters. There was Hughie Dumas, who was then a very senior junior. He was a good lawyer, and later became a County

Court judge, sitting in one of the East London courts. He had a considerable practice, but like others he had his idle days. His idea of how to employ his time on such occasions was to get a game of bridge going in a back room, while our clerk mounted guard ready to give the alarm in case any solicitor walked in. Wallis Grant, who devilled for Dumas, could usually be relied upon to help make up a four. Grant lived to a ripe old age, and was until quite recently a reporter in the Court of Appeal. He used to draft all Dumas' numerous salvage pleadings. Some of these were no mean literary efforts and used to read rather like a Conrad novel.

Another remarkable character was Jack Cunliffe, a much younger man and a formidable advocate in what I may perhaps describe as the less respectable type of Admiralty case. He used to appear for the plaintiffs a good deal in "bad berth" cases, of which there were a good many, when small craft such as barges and sailing barges were involved. There were far more such craft in those days than there are now. For the purpose of loading and discharging their cargoes they would frequently occupy supposedly prepared berths which dried out at low water. Often when the tide rose it would be discovered - or alleged to be discovered - that the barge was strained and leaking, due to having lain on an uneven bottom. A writ would then be issued against the owners of the wharf, often some unfortunate local authority, and woe betide them if Jack Cunliffe was instructed on behalf of the plaintiffs. In this type of case he was frequently assisted by a notorious character called Mr Piper, who had no recognised qualifications, so far as I know, but who used to give evidence as a surveyor on behalf of the plaintiffs and usually managed to produce convincing reasons for concluding that the barge received damage through lying in the particular berth.

Two other characters who belonged to what I may describe as Hughie Dumas' circus were Main Thompson and Leigh Holman. Main Thompson was a very learned man, who could be relied upon to produce the answer to many a tricky problem. He later became Admiralty Registrar, an office which he filled with distinction, particularly during the time of the Second World War. Leigh Holman was only a beginner, like myself, but in the years before the War he acquired a very large practice. But at the time of which I am speaking he was very much engaged in rowing. Although only a lightweight he was a very fine oarsman, and for two or three years rowed as No.7 in the Thames Rowing Club's Eight in the Grand at

Henley.

Assisting George Langton were two well known characters who are happily still with us and familiar figures to all of you, namely Kenneth Carpmael and John Naisby. Kenneth was known as "the mate", and John was a sort of second mate. I was a mere cabin boy. George Langton had an enormous junior practice at this time, and a regular drill was evolved for dealing with the huge mass of papers that arrived for him. If, for instance, it was a matter of settling preliminary act or statement of claim, the paper would first be placed before me, and I would have a crack at them. I would then pass the papers to the second mate, who would make what he thought were suitable alterations to my draft. He would then pass the papers to the mate, who would make such further alterations as he thought fit. The papers would then go before the master, who would usually put them in his bag to take home for the night or for the week-end. He might or might not make further alterations before putting his name to the completed article. He always worked a full day on Saturday - largely because George Langton was usually in court most days of the week - and Saturday was the one day when we could all get together to discuss the difficult cases without much fear of interruption. In those days lunch could be obtained in hall on Saturdays, and George always took us out to tea at an A.B.C. in Fleet Street.

Turning now to those in other chambers, there was Peter Bucknill's father, later Bucknill, L.J. At that time he was still a junior, and was in chambers with Alec Bateson at 4 King's Bench Walk. There was Digby, who was still a junior at that time, but who took silk shortly afterwards. He had been a Commander in the Royal Navy, and was a great expert on pilotage. He stood as a socialist candidate at two or three successive elections, but he never got in. He was an extremely forceful advocate, and had he lived he would no doubt have gone on to great things; but unhappily he died at a relatively young age. He was a most odd creature, particularly in the matter of personal appearance. He was very short of stature, and about as broad as he was long; and of all men that I have ever seen in any walk of life about the scruffiest. But he was a most lovable character, and was certainly very kind to me.

Another unusual and remarkable man was Lewis Noad, who was rather an elderly junior. He did eventually, and much later on, take silk, but he never had much of a practice as a leader. He became a Lloyd's arbitrator while still a junior, and I well remember the way in which he would conduct his arbitrations. This he did reclining in a deep arm-chair at the head of his table, into which he sank so that his head was just above the level of the table, and in that posture of comfort he would listen to what one had to say. Another elderly junior was Bim Balloch, who was then Junior Counsel to the Admiralty. He never took silk, but he was an extremely learned man and a good lawyer. He was also a very frivolous man and loved dancing. Being a man of some means he delighted in taking a party of young people out for dinner and dancing. On several occasions I found myself included in his party, which I much enjoyed, and he certainly managed to collect a remarkable team of young floosies for us! Richard Hayward, who will be remembered by most of you, was another junior in Balloch's chambers at that time. He later took silk, but in those days he was rather a struggling junior. But he was always an extremely forceful advocate, though never a great lawyer.

Of the other practitioners whom I remember in the 1920's there was Stranger, who had quite an extensive practice in the Admiralty Court but also did a certain amount of commercial work. He used to sign his pleadings "I. Harold Stranger", in consequence of which Kenneth Carpmael somewhat irreverently nicknamed him "the Affidavit". Then there was Eustace Brightman, who was a capable lawyer and quite a good advocate, though anything but forceful. He never carried his tail very high, and if things went wrong he had a habit of letting it drop down well between his legs. But he was a very dear man, and caused a good deal of regret when he suddenly and rather prematurely retired about the time of the end of the War. Lastly, there was Toby Pilcher, later to become Pilcher J. and as such well known to most of you. In those days he was a very elegant young man, but thanks to his family connections he was already getting into quite a lot of big work. Later on he was in the habit of appearing for a number of less reputable clients, notably the Deal boatmen, who used to descent like a gang of pirates on any ship which had the misfortune to strand on the Goodwin Sands. Their claims for salvage were usually denied by the defendants, but they generally got an award.

That was the position as I remember it in the middle 1920's. Thanks to Jack Cunliffe obtaining an appointment as a judge of the High Court in India towards the end of my pupillage there was room for me to stay on thereafter as a member of the chambers. But shortly afterwards the Judicature Act of 1925 was passed, which amongst other things made provision for a third judge of the P.D. & A. Division. Alec Bateson got the appointment, whereupon George Langton was immediately given silk and moved into Bateson's old room at 4 King's Bench Walk, taking Kenneth Carpmael and myself with him, where we joined forces with Alfred Bucknill. There I remained until the outbreak of the War.

George Langton very quickly established a large practice as a leader in the Admiralty Court. The rest of the leading work was largely in the hands of those who became known affectionately as "the Three Ds.", namely "Deaf Dan", "Dirty Digby" and "Dishonest Dunlop". Raeburn began rather to drop out of the work in the Admiralty Court, though he continued right up to the outbreak of the War to do a great deal of arbitration work and eventually obtained the appointment of Appeal Arbitrator under Lloyd's Form. And thereby hangs a tale. In the late 1930's I was appearing for a Norwegian ship in a collision arbitration before Raeburn. The other ship involved was Portuguese. If I remember correctly, the arbitration was on documents and took place in Raeburn's room in his chambers. In the course of the argument Raeburn, who was under the impression that there was nobody in the room apart from solicitors and counsel engaged in the case, was rash enough to make a remark to the effect that all the Latin races such as the Portuguese were natural liars. Unfortunately, unknown to Raeburn, one of the people present was none other than the owner of the Portuguese ship, who naturally took a dim view of the Arbitrator's remark. The result, as might be expected, was a Motion to set aside the Arbitrator's award. I remember that I had an extremely uncomfortable and embarrassing time in the King's Bench Divisional Court trying, I need hardly say unsuccessfully, to uphold the award which was in my favour.

In 1930, on the death of Hill J., George Langton was appointed a judge, leaving the rest of us to carry on as a rather small set of chambers. Alfred Bucknill promptly took silk, and carried on a highly successful practice as a leader until he himself was appointed a judge in 1935 on the death of Bateson J. That same year Kenneth Carpmael had taken silk, but the

result of Alfred Bucknill's departure was that we were left rather high and dry, especially as we had also lost our clerk, William Rowing. It was in those circumstances that we came to amalgamate with those who were left of our old Temple Gardens chambers, namely Main Thompson, John Naisby and Leigh Holman, who joined us at 4 King's Bench Walk, bringing with them Harry Perry to be clerk of the combined chambers. One result of the amalgamation was to bring together two noteworthy characters whom I have not previously mentioned, namely Guy Boyes and Eric Addis. Both of them were retired naval officers, who had come to the Bar rather late in life. At that time neither of them had yet acquired much of a practice, but they made a perfect Laurel and Hardy pair, and many a time at tea time entertained the rest of us with a magnificent knock-about turn.

There I must leave the story. We carried on as a very happy set of chambers till the outbreak of the War. But by 1940 Main Thompson had left to become Admiralty Registrar, and every other member of the chambers had been called up for War services of one sort or another, with the result that chambers had to close down completely for the duration of the War. What has happened since is relatively modern history, and is well known to most of you.