LORD DAVEY

1833—1907

Horace Davey was born in 1833, and was educated at Rugby and at University College, Oxford. His University career was one of remarkable distinction. He was a Scholar and afterwards a Fellow of his College. He took a double first (classics and mathematics) both in Moderations and in the Final Schools. He obtained the two scholarships which are given by the University for mathematics, and this long series of University honours was recognized and crowned by his election to the Eldon Law Scholarship.

His professional success was equally conspicuous. He entered the society of Lincoln's Inn, became the favourite pupil of the eminent Chancery lawyer John Wickens, was called to the Bar in 1861, took a large share of his former master's work, and, when Wickens was raised to the Bench in 1871, his mantle naturally fell upon Davey. Business as a junior increased so rapidly that in 1875, in spite of diffidence shared by none of those who knew him, he was compelled to take silk, and justified the general expectations of the profession by rising at once to the first rank as Queen's Counsel.

A successful lawyer naturally looks to Parliament as opening a wider sphere for his ambition. Davey was elected for Christchurch in the general election of 1880, but lost his seat in 1885, and was not successful in finding another until the end of 1885. From then until July, 1892, he sat for Stockton-on-Tees. He became Solicitor General under Mr. Gladstone's government in 1886, when he was knighted, and again after the general election of 1892, but on each occasion held the office without a seat in Parliament.

In August, 1893, he was made Lord Justice of Appeal in succession to Lord Bowen, and summoned to the Privy Council; and in the following August he succeeded Lord Russell of Killowen as Lord of Appeal in Ordinary, and took his seat, as a life peer, in the House of Lords. In the same year he had been made an honorary D. C. L. by the University of Oxford. As a member of the two highest appellate tribunals of this country, the House of Lords and the Judicial Committee of the Privy Council, he continued to sit and work actively almost until the day of his death in February, 1907.

It is as a great lawyer that Lord Davey will be remembered—'The

most accomplished lawyer of his day' is the summing-up of his old friend and colleague Lord Macnaghten—and no authority could be higher. Outside the range of his professional and official work he wrote little. His interests were concentrated on legal problems: a busy lawyer has no leisure for literary work, and at all times his frail physique compelled him to husband his resources. But, as chairman of the commission charged with the duty of framing statutes for the reconstituted University of London, he showed himself a strenuous advocate of a more systematic and scientific study of law; his survey, in a contribution to the *Encyclopaedia Britannica*, of the progress of legal reforms during the last thirty years of the nineteenth century is a masterly piece of historical and critical work; and his interest in the labours of the Society of Comparative Legislation was strong, effective, and abiding.

His qualities were not those which command success at the hustings or in a popular assembly. Nor did his professional work lie within that field of passion and crime which supplies the dramatic element of law and most readily and vividly excites the interests of the public. He was one of the most persuasive of advocates; but it was to the brain, not to the feelings, that his advocacy was addressed. It was in the loftiest and most abstract regions of the law, on its empyrean heights, that he moved with the greatest freedom and found himself most at home. Here his keen, subtle, analytical intellect threw a piercing white light on the problem before it, marshalled the relevant facts in their logical order, disentangled from facts the principles which underlay them, stated the principles with mathematical precision, and deduced from them the inevitable conclusions.

Of the great judgements enshrined in the volumes of the *Law Reports* some, and not the least, have strongly imprinted on them the traits of a distinct personality. That is not the note of Davey's judgements. Rather they seem to be the application of pure impersonal reason to the solution of scientific problems. It was with the scientific aspect of law that he was chiefly concerned. Indeed it was to this that he gave his wholehearted devotion, it was this that he represented more fully than any of his legal contemporaries. And for this reason no one was better fitted to represent the legal profession in a society of which the object is the pursuit of truth by scientific methods.

C. P. ILBERT.