

AN OLD FEE BOOK.

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A well known barrister of the 'nineties has bequeathed some quaint documents to posterity. Most of it is contained in the book in which he recorded his professional fees, and, in contrast with the smallness of his handwriting is the large amount indicated as having been paid to him for his services. For Mr. Louis Goldsmith—"Goldie" to his friends—had a fine reputation as an expert in mining law and equity

But the book in question is interesting by reason of other entries quite unconnected with charges for conferences and attendances in Court and illustrates the tendency which professional men have to combine business with pleasure. Dentists and barbers converse brilliantly while they toy with your teeth or your hair. Doctors and lawyers crack jokes to patients and clients when their job is over or in progress. Even a judge trying a case may sandwich a good story between layers of evidence. And why not? To amuse himself—or perhaps to rest his nerves—counsel awaiting his turn to speak will adorn the folds of his brief with drawings of anything from a Grecian urn to the Queen of Sheba.

In the same way "Goldie's" book is a record not only of his fees but of facts and figures relating to his favourite sport cricket. Nor was he a mere cricket fan, but a first-class batsman and at one time a member of the Victorian eleven.

Holding the book upside down and starting at the reverse end, we find on page one the minutes of a meeting held on November 23rd, 1880, at the pavilion of the East Melbourne Cricket Club to which Mr. Goldsmith belonged. Judge Cope, of the County Court, who had a merry wit, was in the chair. It seems that on this date the annual match—Barristers v. Attornies (solicitors were called attornies at that time)—was being held. After the match, the players met and formed themselves into a club composed of both branches of the profession and called "The Devil's Own." (Was it Judge Cope who suggested this intriguing title?) The entrance fee was declared by the rules to be "nil;" and the annual subscription "of like amount." Players must wear "a white shirt and trousers with a black sash having a death's head and cross-bones on same in white;" also a hat or cap similarly adorned.

Prominent in Mr. Goldsmith's book of toil and pleasure is a list of the original members—Messrs. E. D. Holroyd, Hartley Williams, J. C. Stewart, J. L. Purves, Henry Hodges, John Madden, and many others—a company breathing the spirit of that *camaraderie* which has always characterised the votaries of the law. The pseudo-grim "Devil's Own" had for its first secretary and treasurer the popular Lou Goldsmith.

Similar duties were entrusted to him by the Committee of Counsel whose functions include the supervision of the professional conduct of barristers. In this capacity too he became the custodian of some interesting papers which he kept for a long time and have survived him. To commemorate the approaching retirement of Sir William Stawell from the Chief Justiceship in 1886, a Bar dinner was to be held. Mr. Goldsmith has kept alive for the benefit of all and sundry the written

replies of some of the judges to the invitations he addressed to them on behalf of the bar.

Writing from "D'Estaville," Kew, Sir William Stawell states that he accepts with pleasure, and a genial letter, couched in very precise terms, was sent by Mr. Justice Holroyd. "I intended to have written to you on Saturday, but I was so busy in my garden in the morning, and so exercised with lawn tennis in the afternoon, that I forgot everything else. I have consulted three of my brother judges" (as if he were going to deliver a reserved judgment!) "Higinbotham, Williams, and Kerferd, and they all wish to join with the bar in welcoming the Chief."

The hilarity of the dinner must have been lessened by the absence of Mr. Townsend M'Dermott, a leading member of the bar, who regretted that he was suffering from a cold; had been cautioned against night air; and was quite unfit to join in any festivities. Digressing for a moment to recall one of the many stories told about him, it seems that while he was walking slowly towards the Law Courts one day, he was overtaken by a fussy old barrister who, though almost briefless, always tried to appear the opposite.

"Morning, Mr. M'Dermott!" he burred. "I'm rushing over to the Courts as usual—like a steam engine."

Mr. M'Dermott looked him up and down.

"Steam engine?" he snorted. "Not on your life! Infernal donkey engine!"

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Further evidence of Mr. Goldsmith's passion for cricket is supplied by his detailed analysis of the doings of the Australian and English elevens in England and Australia respectively. Down it all went in the beloved fee-book! Every score made by every batsman in every match, with batting averages—and bowling averages too—carefully worked out to a decimal point. It is on record (but this does not appear in the book) that, playing for Victoria against All England, "Goldie" (a good field), standing at square leg, missed an easy catch from W. G. Grace. The crowd yelled! Soon afterwards, "W. G." was clean bowled by Boyle.

Late in his career, Mr. Goldsmith took silk, that is to say, became a Queen's counsel; a step which he afterwards regretted, because it led to a falling off in his practice.

Not long before he died, he figured in an equity suit tried before Sir John Madden who gave judgment against his client. Sir John, as was his wont, spoke at some length and with great certainty as to the correctness of his law and reasoning. When at last he finished, Mr. Goldsmith rose, holding a law-book in his hand.

"I hesitate," he said, "to address your Honour after you have delivered judgment. But has your Honour carefully considered the decision of the Full Court in the case of Blank against Blank?"

He handed the law report to the judge who read it with contracted brow.

“Yes,” he said thoughtfully. “That certainly does appear to be in direct conflict with what I have said.”

Thereupon he reversed his judgment, and with that agility for which he was justly renowned, indicated his reasons for the substituted judgment with the same degree of positiveness as characterised his original judgment.

Finally, he thanked counsel for “putting him right in his law.” But then he too was a sportsman.